

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1393 OF 2020**

Anees Hussain Arnalkar @ Shaikh ... Petitioner
versus
The State of Maharashtra and Anr. ... Respondents

Mr. Makarand Bakore, for Petitioner.
Mr. H.J.Dedhia, APP, for State.
Ms. Sunanda Kumbhat, for Respondent No.2.

CORAM: N.J.JAMADAR, J.

DATE : 5th MAY, 2022

P.C.

1. Heard the learned Advocates for the parties. The learned Counsel for the Petitioner has submitted that the Petitioner has complied with the Consent Terms, which was recorded in the order dated 28th September, 2020, whereby the matter came to be stood over by 11 months to report compliance. The learned Advocate for Respondent No.2 -original complainant, on a written instructions, submits that the Petitioner-original accused has paid the amount in full and final satisfaction of the claim of the Respondent No.2, therefore, Respondent No.2 desires to withdraw the proceedings.

2. In view of the Consent Terms filed by the parties and recorded in the order dated 28th September, 2020 and the statement made today by the learned Advocates for the parties, the Petition stands allowed. The impugned Order passed by

the learned Additional Sessions Judge dated 3rd November, 2015 in Criminal Appeal No.703 of 2014 dismissing the Appeal and confirming the judgment and order dated 21st July, 2014 passed by the learned Metropolitan Magistrate, 48th Court, Andheri, Mumbai in Criminal Case No.1663/SS/2012, convicting the Petitioner for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentencing him to suffer simple imprisonment for a period of one year and to pay a fine of Rs.1,50,00,000/-, stands quashed and set aside.

3. The Petitioner stands acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.
4. The Complaint stands dismissed as withdrawn.
5. The bail bond of the Petitioner stands cancelled.
6. The Writ Petition accordingly stand disposed.

(N.J.JAMADAR, J.)