

Ghuge

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO. 2846 OF 2019
WITH
CRIMINAL APPLICATION NO.286 OF 2019**

Malti Chandrakant Doshi ...Petitioner

V/s.

The State of Maharashtra & Anr. ...Respondents

Mr. J.S. Kini a/w Ms. Sapna Krishnappa for the
petitioner.

Mr. J.P. Mishra, for Respondent No.2.

Mr. A.R. Patil, APP for the State.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 10, 2022

P.C.:

1. The petition arises out of an order dated 26th July, 2016 dismissing revision application of the original complainant confirming order of the Magistrate directing accused to suffer imprisonment till the rising of the Court. The Magistrate had directed the accused to pay compensation of Rs.1,60,000/- (Rupees One Lakh Sixty Thousand Only) to the complainant. In default, he is directed to suffer simple imprisonment for two (2) months.

2. During the pendency of the present petition, the advocates for the parties have stated that the complainant and original accused has resolved their dispute. It is agreed between the parties that the complainant be permitted to withdraw the amount of Rs.1,60,000/- (Rupees One Lakh Sixty Thousand Only) which is directed to be paid as a compensation by the learned Magistrate and in view of withdrawal of the amount, the impugned order passed by the learned Magistrate and the Sessions Court be set aside.

3. Considering the nature of punishment imposed by the Magistrate that the accused was directed to suffer simple imprisonment till rising of the Court and payment of compensation of Rs.1,60,000/- (Rupees One Lakh Sixty Thousand Only) which had already been deposited by the accused and in view of consent between the parties, following order is passed by consent of the parties.

- a) The impugned Judgment and Order passed by the learned Sessions Judge in Criminal Revision Application No.670 of 2010 dated 26th July 2016 and order passed by the learned Metropolitan Magistrate 28th Court Esplande, Mumbai dated 9th August, 2010 in CC No.630/2003 are quashed and set aside.
- b) The original complainant (Sudhaben Navnitri Mehta) is permitted to withdraw amount of Rs.1,60,000/-.
- c) The minutes of order filed by the complainant is taken on record and marked 'X' for identification.

4. The Writ petition is disposed of in the above terms.
5. In view of disposal of the writ petition, nothing survives in the Criminal Application and the same stands disposed of.

(AMIT BORKAR, J.)