

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

CRIMINAL WRIT PETITION NO. 2588 OF 2018

Gopala Appalaraja Manchukonda And Anr. ...Petitioners
Versus
The State Of Maharashtra ...Respondent

**WITH
CRIMINAL WRIT PETITION NO. 833 OF 2018**

Sanjay Sharma ...Petitioner
Versus
Gopala Appalaraja Manchukonda And Ors. ...Respondents

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Mr. Niranjan Mundargi a/w Ms. Keral Mehta i/by Mr. Vikram Sutaria,
Advocate for the Petitioners in WP No.2588 of 2018 and Respondent in
WP No.833 of 2018.

Mr. Ashish Vernekar i/by Mr. Satyavrat Joshi, Advocate for the
Petitioner in WP No.833 of 2018 and for respondent in WP No.2588 of
2018.

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

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CORAM : PRAKASH D. NAIK, J.
DATE : 17th AUGUST, 2022.

PER COURT:

1. Heard both sides.
2. The parties have arrived at amicable settlement which is evident from the Memorandum of Understanding executed between them on 9th June, 2022. The contents of the Memorandum of Understanding indicate that the parties have

resolved the dispute and hence agreed for dropping the proceedings enumerated therein. The Memorandum of Understanding is taken on record and marked as 'X' for identification.

3. Criminal Writ Petition No.2588 of 2018 is preferred by the original accused Nos.1 & 2 challenging an order dated 15th January, 2018 to the extent of retaining charge under Section 420 of Indian Penal Code passed by learned Additional Sessions Judge, Pune in Criminal Revision Application No.182 of 2017. Criminal Writ Petition No.833 of 2018 is preferred by the first informant challenging the order dated 15th January, 2018 passed by the learned Additional Sessions Judge discharging the accused Nos.1 & 2 offences under Section 406 read with Section 34 of Indian Penal Code, Section 43, 66, 66-B and 66-C of Information Technology Act. The proceedings are related to RCC No.4634 of 2012 pending before Court of JMFC Court No.9, Pune. These proceedings were initiated by petitioner in Criminal Writ Petition No.833 of 2018.

4. Clause – 4 of the Memorandum of Understanding refers to termination of legal proceedings and the proceedings referred to at item Nos.4 & 5 relates to the present proceedings.

5. Learned Advocate for respective parties in both these writ petitions submitted that, in view of settlement between the parties, the proceedings which are subject matter of these petitions may be quashed and set aside. It is submitted that the accused No.3 had preferred Criminal Writ Petition No.2636 of 2022 challenging the First Information Report, on the ground of settlement between the parties and the impugned FIR has been quashed by the division bench of this Court vide order dated 10th August, 2022. Considering the aforesaid circumstances, I pass the following order :-

ORDER

- i. Criminal Writ Petition No. 2588 of 2018 is allowed;
- ii. The impugned proceedings in R.C.C. No.4634 of 2012 pending before the Court of learned J.M.F.C. 9th Court, Pune are quashed and set aside.
- iii. Criminal Writ Petition Nos. 2588 of 2018 & 833 of 2018 are disposed off.

(PRAKASH D. NAIK, J.)