

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.712 OF 2018

Ronald Robert Sequeira	Applicant
versus	
Smt.Rimpy Vipin Bhatia and others	Respondents

Mr.Ravindra L. Chalke, Advocate for applicant.
Ms.Ankita Singh with Zalak Mody i/by A & P Partners, Advocate for respondent nos.1 and 2.
Mr.S.R.Agarkar, APP, for State.
Mr.Ronaldo R. Sequeira, applicant present in court.
Mr.Madhu Awatramani, respondent no.2 present in court.
Smt.Rimpi Vipin Bhatia, Respondent no.1 present.

CORAM : PRAKASH D. NAIK, J.

DATE : 5th August 2022

PC :

1. Heard both sides. Learned counsel appearing for respective parties submitted that settlement has been arrived between the parties and they have executed the consent terms. Both the parties are present in the Court. The consent terms are tendered on record. They are marked as "X" for identification.

2. Present application relates to order passed by Sessions Court dated 6th April 2018. The applicant is the original complainant in a private complaint for offence under Sections 500, 504, 506 r/w 34 of Indian Penal Code. Learned Magistrate issued process for offence u/.504 and 506 of IPC against all the accused. The order of process was challenged by the accused before Sessions Court. The complainant had challenged the order to the extent of not issuing

process u/s.500 before the Sessions Court. The revision application preferred by accused was allowed whereas revision application preferred by the complainant was dismissed. The said order is under challenge in this application.

3. Complaint was filed by respondent no.1 herein against applicant with Oshiwara Police Station for offences under Sections 504 and 506 of IPC. Investigation is completed and charge sheet is filed. Case is pending in the Court of Metropolitan Magistrate, 65th Court, Andheri, Mumbai, which is numbered as 55/PS/2013. As per the consent terms, both the sides have agreed not to pursue the proceedings initiated against each other. Learned counsel for applicant submits that he would withdraw this application and shall not pursue the proceedings which are subject matter of this application against respondents, whereas learned counsel Ms.Ankita Singh appearing for respondents on instructions submits that proceedings initiated by respondent no.1 vide FIR and pending in the Court of Metropolitan Magistrate, 63rd Court, Andheri, Mumbai may be quashed by consent of respondents.

4. Parties are present in the Court. They have confirmed the consent terms.

5. In view of the above, I pass following order :

ORDER

(i) The applicant herein is permitted to withdraw Criminal Application No.712 of 2018. He shall adhere to the consent terms and shall not pursue the proceedings which is subject matter of this application;

(ii) Criminal proceedings in 55/PS/2013 pending before Metropolitan Magistrate, 65th Court, Andheri, Mumbai are quashed and set aside;

(iii) Criminal Application No.712 of 2018 is disposed off in above terms.

(PRAKASH D. NAIK, J.)

MST