

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

CRIMINAL WRIT PETITION NO.5289 OF 2019

Mehul Chandrakant Patel .. Petitioner
Versus
Nikunj Narnarayan Saraf and Anr. .. Respondents

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Mr.Darshan J. Juikar, Advocate for the Petitioner.

Ms.Paavani Chadha a/w. Mr.Madan Gupta, Advocate for Respondent No.1.

Mr.Arfan Sait, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK J.

DATED : JUNE 23, 2022.

P.C. :

The petitioner has challenged the order issuing process dated 5th April, 2019, passed by the Court of learned Metropolitan Magistrate 40th Court, Girgaon, Mumbai. The process has been issued under Sections 406 and 420 of IPC. The said order was challenged before the Sessions Court by preferring criminal Revision Application No.631 of 2019, which has been dismissed *vide* order dated 26th September, 2019.

2 Learned counsel for the petitioner and respondent complainant jointly submitted that the parties have arrived at the settlement and executed consent terms whereby the complainant has

agreed to withdraw the proceedings initiated against the petitioner before the concerned Court.

3 The consent terms are taken on record and marked as “X”, for identification. The parties had agreed that instead of approaching the Magistrate Court for withdrawing the impugned proceedings which are challenged in this petition, the order of process, the order passed by the Sessions Court, and, proceedings be quashed and set aside by this Court.

4 It is submitted that the Demand Draft for an amount of Rs.7,00,000/- in accordance with Consent Terms has been handed over to the advocate representing the complainant/respondent no.1 in this Court.

5 Considering the fact that the parties have settled the dispute, this petition can be allowed.

6 The impugned orders dated 5th April, 2019, 26th September, 2019, as well as the proceedings arising out of Criminal Case No.69/SW/2019, initiated by resplendent no.1 are quashed and set aside. Writ Petition stands disposed of accordingly.

(PRAKASH D. NAIK, J.)