

VRJ

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

CRIMINAL APPLICATION NO.33 OF 2022

Shivvani Engineering Spares Pvt. Ltd. &
Ors. ... Applicants

V/s.

Gulf Oil Lubricants India Pvt. Ltd. & Anr. ... Respondents

Mr. Ajit Anekar with Prithvi Aringale i/by Auris Legal
for the applicants.

Mr. Siddharth Manek i/by M/s. Crawford Bayley & Co.
for the respondent No.1.

Mr. M.G. Patil, APP for the respondent No.2/State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 10, 2023

P.C.:

1. The application arises out of proceedings under section 138 of the Negotiable Instruments Act, 1881. The challenge in this petition is to the order of issuance of process. During pendency of present proceedings, the complainant and accused have amicably resolved their dispute. The terms of settlement are placed on record as affidavit. The affidavit of applicant is taken on record and marked 'Exhibit-X' for identification. Clause 2 of the affidavit provides for schedule of payment. The said schedule is accepted as undertaking to this Court. Based on the promise made by the accused No.1 of payment as specified in paragraph No.2,

the complainant has agreed to withdraw the complaint. The said assurance to withdraw the complaint after the payment is made is accepted. The Magistrate shall adjourn the matter beyond 31st January 2024.

2. It is made clear that in case of failure of accused to pay as per clause 2 of schedule, the Magistrate is at liberty to proceed in accordance with law.

3. With the said understanding, nothing remains to be adjudicated in the present application. The criminal application stands disposed of. No costs.

(AMIT BORKAR, J.)