

AGK

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

WRIT PETITION NO.4308 OF 2016

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Manoj Gajanan Tiroadkar

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Nikhil Sakhardande, Senior Advocate with Mr. Aditya Mithe, Mr. Suyash Gadre and Ms. Rucha Surve for the petitioner.

Mr. M.G. Patil, APP for respondent no.1/State.

Mr. Jehangir Khajotia for respondent no.2.

Mr. J.K.G. Varghese, respondent no.2, present in-person.

CORAM : AMIT BORKAR, J.

DATED : MAY 4, 2023

P.C.:

1. The writ petition arises out of order of issuance of process for offence under Sections 457, 380 and 34 of the Indian Penal Code, 1860.

2. During the pendency of the writ petition, parties have amicably resolved their dispute. The complainant/respondent no.2, who is present in Court, states that the complaint came to be filed due to misunderstanding. On perusal of the complaint, it appears that the initiation of proceedings was predominantly based on civil dispute. Respondent No.2/original complainant states that he does not intend to proceed with the complaint.

3. Considering the nature of averments in the complaint and the nature of offence, I am satisfied that the complaint needs to be quashed.

4. Hence, Criminal Case No.4/SW/2008 for offence under Section 457, 380 and 34 of IPC pending before the learned Additional Metropolitan Magistrate, 38th Court at Ballard Pier, Mumbai is quashed.

5. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)