

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4173 OF 2019

Santaji @ Aba Bhaskarrao Patil ... Petitioner

Versus

The State of Maharashtra and ors. ... Respondents

Mr. S. R. Borulkar a/w Piyush Toshnival i/b Nilabh Toshnival for the Petitioner.

Mr. Y. M. Nakhwa, APP for the State.

Ms. Kaazvin Kapadia i/b TRI Legal for Respondent No. 3/Complainant.

Mr. Girish Koulgi, Director of Complainant, Present.

**CORAM : PRAKASH D. NAIK &
N.R. BORKAR, JJ.**

DATED : 15.03.2024

P.C. :-

Not on board. Upon mentioning, taken on production board.

2. Petitioner is challenging the proceeding in CC No. 1935/PW/2010 pending on the file of learned Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai arising out of FIR No. 515 of 2008 registered with Andheri Police Station for offences under Sections 420, 407, 409 of the Indian Penal Code.

3. It is submitted that parties have resolved the dispute and

they had executed deed of settlement.

4. The complainant had filed a suit for recovery of money and in view of settlement the suit was withdrawn. The deed of settlement dated 2.11.2017 refers to the terms of settlement.

5. The complainant is present in the Court. He has expressed his consent for quashing the proceedings. He has filed affidavit of consent, wherein it is indicated that he has filed a Special Civil Suit No. 24 of 2014 against the petitioner and his company for recovery of money and the said suit has been withdrawn on 10.04.2019.

6. Representative of respondent No. 3/Complainant is present in the Court. He has been authorized to file affidavit vide resolution passed by the company.

7. The entire dispute between respondent No. 3 and the petitioner has been amicably settled vide deed of settlement dated 2.11.2017. Respondent No. 3 does not have any complainant against the petitioner and does not want to prosecute the proceedings any further.

8. Considering the nature of dispute which has been settled and since the complainant has consented for quashing the proceedings, the relief sought in this petition can be granted.

ORDER

- (i) Writ Petition is allowed.
- (ii) The proceedings in CC No. 1935/PW/2010 pending on the file of learned Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai arising out of FIR No. 515 of 2008 registered with Andheri Police Station for offences under Sections 420, 407, 409 of the Indian Penal Code are quashed and set aside.
- (iii) The petitioner shall pay cost of Rs. 25,000/- to Advocates Association of Western India Generation Next.
- (iv) The details of the bank account for payment of costs are as under :

Bank Name	:	Bank of India.
Branch Name	:	Mumbai Main
Account No.	:	000110110007807
IFSC Code	:	BKID0000001.

- (v) Petitioner to deposit the said cost of Rs.25,000/- within a period of three weeks from today and submit the receipt of the same in the Registry of this Court.

(N.R. BORKAR, J.)**(PRAKASH D. NAIK, J.)**