

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4920 OF 2014

PL.Safaiya and others
versus
The State of Maharashtra and another

Petitioners
Respondents

Mr.Kripashankar Pandey i/by M.Kulkarni for Petitioners.
Mr.Sandeep Mahadik for Respondent.
Mr.Arfan Sait, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 31st January 2024

PC :

1. Petitioners are challenging the order issuing process passed by learned Judicial Magistrate First Class, Panvel, Raigad, dated 8th May 2007 for offences under Sections 304A, 418 r/w 34 of Indian Penal Code in the private complaint filed by Respondent no.2. The order dated 8th May 2007 refers to C.R No.48 of 2005 registered against one Harishchandra Mhatre in respect of said offence.

2. Learned advocate for Petitioners submitted that C.R No.48 of 2005 had culminated in filing of charge sheet and accused therein was prosecuted in Summary Criminal Case No.2190 of 2005. Vide judgment and order dated 17th August 2012 passed by Judicial Magistrate First Class, Panvel, the accused therein was acquitted.

3. It is jointly submitted that parties have resolved the dispute. The proceedings may be quashed.

4. Learned advocate for complainant-Respondent has tendered

MANISH
SURESHRAO
THATTE

Digitally signed by
MANISH
SURESHRAO
THATTE
Date: 2024.02.02
09:45:38 +0530

affidavit dated 18th January 2024 wherein it is stated that complainant withdraws all the allegations against Petitioners and has no objection to quash the criminal proceedings. The affidavit is taken on record and marked "X" for identification. Considering the factual aspects as stated above, the proceedings can be quashed.

ORDER

- (i) Criminal Writ Petition No.4920 of 2014 is allowed and disposed off;
- (ii) The order issuing process dated 8th May 2007 passed by Judicial Magistrate First Class, Panvel-Raigad below Exhibit-1 in Miscellaneous Application No.100 of 2007 and criminal proceedings arising in the said proceedings are quashed and set aside.

(PRAKASH D. NAIK, J.)

MST