

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

CRIMINAL APPLICATION (APL) NO. 68 OF 2024

CEAT Ltd. and ors.

..... Applicants

v/s.

Bighneshwar Sahu and anr.

..... Respondents

Mr. Subodh Desai, Sr. Advocate i/b. Mr. Aditya Sawant for the Applicants.

Mr. N.B. Patil, APP for the State.

Mr. Abhishek Pungliya for Respondent No.1.

CORAM : SHYAM C. CHANDAK, J.

DATED : 17th DECEMBER, 2024

P.C. :-

. The present Application impugning the Order dated 16th December, 2016 passed by the learned Additional Sessions Judge, 41st Court, City Civil and Sessions Court, Gr. Mumbai thereby the said Court allowed Miscellaneous Application No.1843/2015 and the Order dated 03rd July, 2017 passed by the same Court allowing the Criminal Revision Application No.677/2015.

2) Heard Mr. Subodh Desai, learned Senior Advocate for the Applicants; Mr. Abhishek Pungliya, learned Advocate for Respondent No.1 and Mr. N.B. Patil, learned APP for the State. Perused the record.

3) By Order dated 16th December, 2016 the said learned Judge allowed the Respondent No.1 to produce the additional documents under Section 391 of Cr.P.C. Further, by the Order dated 03rd July, 2017 the said learned Judge allowed the Criminal Revision Application No.677/2015 thereby set-aside the Order dated 07th February, 2015 passed by the learned

Metropolitan Magistrate, 53rd Court, Mulund, Mumbai in C.C.No.64/M/2012 and directed to issue process against the Applicants for the alleged offences punishable under Sections 420, 465, 468, 471 read with 34 of IPC.

4) While this Application was pending, the Applicants and Respondent No.1 settled their dispute, outside the Court.

5) In view of the said settlement, the Respondent No.1 has been permitted to withdraw the settlement amount deposited in this Court in Writ Petition No.921 of 2006 and further directed to withdraw the Criminal Complaint No.64/M/2012 pending before the learned Metropolitan Magistrate, 53rd Court, Mulund, Mumbai and to file a consent affidavit in the instant Application for withdrawal of the said complaint.

6) Accordingly, the Respondent No.1 has filed the consent affidavit dated 10th October, 2024. The Respondent No.1 who is present in person, reiterates the contents of the affidavit through his Advocate on record.

7) The additional affidavit mentions that, the Respondent No.1 has no objection for quashing and setting-aside of the impugned Judgment and Order dated 03rd July, 2017 passed by the learned Additional Sessions Judge, City Civil and Sessions Court, Mulund, Mumbai in Criminal Revision Application No.677 of 2015. Further, that he has given consent to withdraw the said Criminal Complaint No.64/M/2012.

8) In view thereof, the aforesaid impugned Orders viz. 16th December, 2016 and 03rd July 2017, are quashed and set-aside. The Criminal Revision Application No.677/2015 and Miscellaneous Application No.1843/2015 stand disposed of as per the settlement stated in the additional Affidavit dated 10th

October, 2024.

9) In view thereof, Complaint Case No.64/M/2012 pending before the 53rd Court of Metropolitan Magistrate, Mulund, Mumbai stands withdrawn and disposed of.

10) Criminal Application No.68 of 2024 stands disposed of in above terms.

**PREETI
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JAYANI**

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PREETI HEERO
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(SHYAM C. CHANDAK, J.)