



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 703 OF 2007

Gopal Jairamdas Kharkate

Vs.

Chief Engineer, Public Works Department (Elect. Div.) and others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.P. thakare, Advocate for petitioner

Mr. A.D. Mohagaonkar, Advocate for respondent Nos.1 to 7

CORAM: **AVINASH G. GHAROTE AND**
 ABHAY J. MANTRI, JJ.

DATED : 19th DECEMBER, 2024

Civil Application (CAW) No. 2952/2024.

Leave to amend. Leave is granted.
Amendment be carried out forthwith.

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1. Mr. Thakare, learned counsel for the petitioner submits, that the petitioner has already deposited the arrears of electricity dues as well as penalty and is ready and willing to pay an amount of Rs.2,00,000/-, as compounding charges as against the amount of Rs.5,10,000/-, claimed by the respondents by communication dated 14.11.2024. He, therefore, submits, that the Criminal proceedings instituted by way of Special Criminal

Case No. 53/2005 (MSEB Vs Gopal Kharkate) be quashed.

2. Mr. Mohagaonkar, learned counsel for the respondents, upon instructions, makes a statement, that the respondents are willing to accept an amount of Rs.2,00,000/-, as compounding charges instead of sum of Rs.5,10,000/-, as indicated in the communication dated 14.11.2024. Mr. Thakare, learned counsel for the petitioner has today handed over a demand draft in the sum of Rs.2,00,000/- bearing No.000341, dated 18/12/2024 drawn on the Bank of India, Kamtha Branch, Gondia to the learned counsel for the respondents, as full and final settlement of the compounding charges, which has been accepted by Mr.Mohagaonkar, learned counsel for the respondents as full and final settlement. This would indicate, that all the electricity dues, penalty and compounding charges have been paid. In view of this position and the consent accorded by the respondents, the further prosecution of the Special Criminal Case No. 53/2005 (MSEB Vs Gopal Kharkate), would be a mere empty formality, on account of which,we hereby quash the proceedings in Special Criminal Case No. 53/2005 (MSEB Vs Gopal Kharkate), pending before the Special Judge, Gondia. This order has been passed

considering the special circumstances in this case and would not act as a precedent.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

MP Deshpande