

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

Cri.Writ Petition No.2961 of 2024

Sudhir S Gandhi & Ors. Petitioners.

Vs.

Prashant A Deshmukh & Ors. Respondents.

Mr Hrishikesh Shinde for the petitioners.

Mr Mahesh Arjun i/by Vikrant Phatate for respondent No.1.

Mr HM Khupsare i/by Milind Harhare for respondent No.2.

Mr SS Pednekar, APP for respondent/State.

Coram : R.N.Laddha, J.

Date : 30 January 2025.

P.C. :

The learned Counsel for the petitioners submits that, as per the Consent Terms, respondent No.2 issued cheque to respondent No.1 in his individual capacity. Therefore, the petitioners cannot be held liable for the cheque amount. The learned Counsel further submits that the cheque was drawn by respondent No.2 in favour of respondent No.1, and the account from which it was issued was solely

operated by respondent No.2. The petitioners have complied with the terms and conditions of the consent terms, and execution proceedings are currently pending before the competent Civil Court. The dishonoured cheque was issued from respondent No.2's personal bank account, and there was no joint account between the petitioners and respondent No.2. Meanwhile, the learned Counsel for respondents No.1 and 2 requested an adjournment to seek instructions and file a reply affidavit.

2. There shall be stay to the further proceedings in SCC (STC) No.6755 of 2021 pending before the learned JMFC, 3rd Court, Solapur. Stand over to **10 March 2025**.

[R. N. Laddha,J.]