



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.6159 OF 2025**

Sayarimal M. Jain ... Petitioner
versus
Sushila Ishwarlal Bhatt and Ors. ... Respondents

Mr. Surel Shah, Sr. Advocate with Mr. Aadil Parsurampuriah, Mr. Mehul Rathod, Ms. Darshana Vora i/by Mr. Mehul Rathod, for Petitioner
Mr. Aarti H. Bhandari for Respondent Nos.1 and 2.
Mrs. R.S.Tendulkar, APP for State.
Smt. Sushila Bhatt and Mr. Narendra Bhatt, Respondent Nos.1 and 2 present.

CORAM: N.J.JAMADAR, J.

DATE : 21 NOVEMBER 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 18 November 2025 passed by the State Consumer Dispute Redressal Commission in Appeal No.AE/5/2024, whereby the appeal preferred by the Petitioner against an order dated 5 March 2024 passed by the District Consumer Grievance Redressal Forum, Thane, whereunder the Petitioner came to be convicted for the offence punishable under Section 27 of the Consumer Protection Act, 1986, and sentenced to suffer simple imprisonment for one month and to pay a fine of Rs.5,000/- came to be dismissed.
3. The petitioner was taken in custody on the very day of the pronouncement of the judgment by the State Commission.

4. It appears that the Petitioner – original opponent and the Respondent Nos.1 and 2 – original complainants, entered into a settlement and an application was filed before the State Commission seeking release of the Petitioner – appellant as the parties had settled the dispute. The State Commission declined to entertain the application as the State Commission has become *functous officio*.

5. Respondent Nos.1 and 2 – original complainants, have appeared before the Court and tendered an affidavit. It is, inter alia, affirmed that the disputes between the Respondents and the Petitioner have been resolved and they have received a sum of Rs.93 Lakhs towards the full and final one time settlement. Copies of the Pay Orders are annexed to the affidavit. Respondents have given their no objection to quash and set aside the impugned orders. Respondents have withdrawn all the allegations against the Petitioner.

6. Smt. Sushila Bhatt and Mr. Narendra Bhatt – Respondent Nos.1 and 2 are present before the Court. They submit that they have received the amount and have sworn an affidavit. They have no objection to quash the impugned order and release the Petitioner. The Petitioner is stated to be 75 years of age and is suffering from various ailments.

7. It appears that the parties have amicably settled the dispute and the Respondents – original complainants are satisfied with the payment of a sum

of Rs.93 Lakhs towards their claim. In view of the amicable resolution of the dispute and the statements made before the Court and having regard to the fact that Respondent Nos.1 and 2 – original complainants have received an amount of Rs.93 Lakhs towards the full and final settlement of the claim, this Court is impelled to accept the consent affidavit of the Respondents on record.

8. Mr. Shah, learned Senior Advocate for the Petitioner, on instructions, submits that the Petitioner would file an undertaking before this Court that the Petitioner will not initiate any civil or criminal proceedings against Respondent Nos.1 and 2 in relation to the subject matter of the dispute within a period of one week from today.

9. In view of the settlement of the dispute and having regard to the predominantly compensatory object of the Consumer Protection Act, the ends of justice would be better secured if the impugned orders are quashed and set aside and the Petitioner is released.

10. Hence, the following order :

ORDER

(i) The Writ Petition stands allowed.

(ii) The impugned order dated 18 November 2025 as well as the order dated 5 March 2024 in Execution Application No.E.A.No.30 of 2014 in Complaint Case No.CC/103/2011 stand quashed and set aside.

(iii) The Petitioner be released forthwith, if not required to be detained in any other case.

(iv) All concerned to act on an authenticated copy of this Order.

(N.J.JAMADAR, J.)