

ORDER BELOW WITHDRAWAL PURSIS IN
CRI.COMPLAINT NO.
(CABB CHAMICALS INDIA PVT.LTD NEW NAME TERATECH
CHEMICAL INDIA PVT.LTD. V/S AMBE LEBORATARY AND OTHERS)

- 1) Compalinant and his advocate has submitted withdrawal pursis present before this court and sought the permission for withdrawal. The contents of pursisi is admitted by the Ld. Advocate of the complainant who is present.
- 2) I have considered the record of the case and submission made by both the parties. In the absence of accused right of cross examination of complainant has been closed. The matter is at the stage of the FURTHER STATEMENT OF ACCUSED. Plea of the accused was recorded on dated 23/02/2018 but thereafter, time is sought by the parties.
- 3) As per the decision of the Hon'ble Apex Court in the matter of *Damodar Prabhu*, the compromise should take place at the earliest in the proceedings and when the same is taking place at the belated stage costs should be imposed. Furthermore, Hon'ble Apex Court in the matter of **Madhya Pradesh State Legal Services Authority V/S Prateek Jain, 2014 10 SCC 690** it is held that court can always reduce the costs by imposing minimal costs or even waive the same. But the same is to be considered in the light of the facts and circumstances of the matter. In this matter, the settlement has taken place belatedly after recording of the evidence of the prosecution and at the time of further statement.

I have considered the particular facts of the matter and in this case cross examination has not begun till date and attempts are made to settle the matter and lastly, matter is settled. Therefore, considering the totality of the facts, accused is directed to deposit lump sum amount of Rs.5,000/- with the District Legal Service Authority, Ahmedabad towards costs. **Subject to depositing the costs as above, permission is granted for withdrawal and this pursis is hereby recorded.**

Pronounced in continuous Lok-Adalat-today on this 14th December 2019.

Ahmedabad
14/12/2019

(T.A.Bhadja)
4Th addl.Civil Judge
Ahmedabad(R),Mirzapur