

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

CRIMINAL APPLICATION NO. 09 OF 2015

Mr. Sayed Asad Ali s/o
Amir Ali

.. Applicant

v/s.

The State of Maharashtra & Ors.

..Respondents

Mr. S.R. Gaud for the applicant

Ms. Anjali Awasthi for respondent no.2

Mrs. S.V. Sonawane, APP for the respondent State

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : 28th JANUARY, 2015.**

P.C.

1. Heard learned Counsel for the respective parties. This application is filed under Section 482 of the Cr.PC. for quashing of the Criminal Case No. 1110/PW/2014, pending on the file of 69th Court of learned Metropolitan Magistrate, Mazgaon (Sewree), Mumbai for offence punishable under Sections 465, 467, 468, 471 and 420 of the IPC registered with Nagpada Police Station, Mumbai.

2. The respondent no.2 filed FIR bearing C.R. No.219 of 2014

with Nagpada Police Station on 24th June, 2014 against the petitioner for offence punishable under Sections 465, 467, 468, 471 and 420 of the IPC. After completion of the investigation, charge-sheet is filed which is numbered as Criminal Case No.1110/PW/2014 before the 69th Court of learned Metropolitan Magistrate, Mazgaon (Sewree), Mumbai. Meanwhile, the applicant and respondent no.2 have settled their disputes amicably and in pursuance of their understanding, the applicant has approached this Court for quashing the said proceedings of Criminal Case No. 1110/PW/2014 with the consent of respondent no.2.

3. The respondent no.2 has filed affidavit dated 27th January, 2015. In paragraph 6 of the affidavit, he has given no objection for allowing the above said application for quashing the proceedings of the Criminal Case No.1110/PW/2014. Respondent no.2 is personally present in the Court. On specific query made by us, he submitted that he has no objection for quashing the FIR and consequential criminal proceedings.

4. We are of the view that the dispute is of personal nature and the ratio in the case of *Narinder Singh Vs. State of Punjab (2014) AIR SCW 2065* would squarely apply to the facts of the present case and as such there is no impediment in quashing the criminal proceedings.

5. Accordingly, the criminal application is allowed in terms of prayer clause (b), subject to applicant to pay cost of Rs.15,000/- to the Tata Memorial Hospital, within a period of 4 weeks from today. Cost is condition precedence.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)