

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

CRIMINAL WRIT PETITION NO. 182 OF 2015

Shiv Keshrimal Agarwal

.. Petitioner

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Ashutosh Singh for the petitioner

Mr. Sanjeev R. Singh for the respondent no.2

Mr. K.V. Saste, APP for respondent State

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED : 6th FEBRURY, 2015.

P.C.

1. Heard learned Counsel appearing for the respective parties. This petition is filed under Article 226 of the Constitution of India under the provisions of Section 482 of the Cr.P.C. for quashing of the proceedings of FIR No.127 of 2014, registered at Worli Police Station on 24.04.2014. The said FIR is registered by respondent no.2, consultant of Cachet Pharmaceutical Pvt. Ltd. agaisnt the petitioner for offence punishable under Sections 406 and 420 of the IPC.

2. During the investigation, the parties have settled their dispute amicably and in pursuant to the understanding arrived at between them, filed the present petition for quashing of the FIR, by consent. One Mr. Santosh Kamble, Assistant Manager, H.R. With Cachet Pharmaceutical Pvt. Ltd. has filed an affidavit dated 06.02.2015 along with resolution, authorizing him to file the affidavit. In paragraph 6 of the affidavit, he has stated that the Cachet Pharmaceutical Pvt. Ltd. do not wish to proceed against the petitioner. In paragraph 7, he has given no objection for quashing the proceedings of the said FIR. Mr. Santosh Kamble is personally present in the Court. The resolution, annexed with the affidavit shows that Mr. Santosh Kamble, Assistant Manager, H.R. Is authorized to file affidavit in the present petitioner. On specific query made by us, he submitted that he has no objection for quashing the FIR and consequential criminal proceedings.

3. 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 complaint.

4. Accordingly, application is allowed in terms of prayer clause (a), subject to the petitioner to pay costs of Rs.10,000/- to the Tata Memorial Hospital. Cost is condition precedence.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)