

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 321 OF 2015**

Farhan Jilani Kokani & Anr.	.. Petitioners
v/s.	
Mohd. Arif Babubhai Shaikh & Ors.	..Respondents

Ms. Sharan Patole for the petitioners
Mr. Mohammed Idris Javed for respondent no.1
Mr. J.P. Yagnik, APP for the respondent State

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED: 25th FEBRUARY, 2015.**

P.C.

1. Heard learned Counsel 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 the FIR No.348 of 2012, registered at Khar Police Station, Mumbai. The said FIR is registered against the petitioner at the instance of respondent no.1 for the offence punishable under Sections 406, 420 r/w 34 of the IPC.

2. During the pendency of the investigation, the parties have arrived at amicable settlement and in pursuance of the said

understanding, they have agreed to quash the said criminal proceedings by consent. Respondent no.1 has filed an affidavit dated 22nd January, 2015. In paragraph 4 he has given no objection for quashing the proceedings of the said C.R. 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.

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. The Writ Petition is made absolute in terms of prayer clause (b), subject to petitioner to pay cost Rs.10,000/- to Shanti Avedna Sadan, Opp. Mount Mary Church, Bandra (W), Mumbai, within a period of two weeks from today. Cost is condition precedence.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)