

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

CRIMINAL WRIT PETITION NO. 326 OF 2015

Shivaji Pritam Pandit

.. Petitioner

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Neville D. Debroo i/b Mr. Divakar Rai for the petitioner

Mr. Mandar Soman i/b R.K. Singh for respondent no.2.

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

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED : 11th FEBRUARY, 2015.

P.C.

1. Heard learned Counsel appearing for the respective parties.

This petition is filed under Article 226 of the Constitution of India for quashing the proceedings of the Criminal Case No. 911/PW/2006, pending on the file of learned Metropolitan Magistrate, 12th Court, Bandra, Mumbai.

2. At the instance of respondent no.2, Bandra Police Station, Mumbai registered offence against the petitioner punishable under

the provisions of Section 326 of the IPC. After the completion of investigation, investigating agency has filed charge-sheet in the Court of Metropolitan Magistrate, 12th Court, Bandra, Mumbai, which is numbered as C.C. No.911/PW/2006 for the offence punishable under Section 326 of the IPC.

3. During the pendency of the said criminal case, 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.2 accordingly has filed affidavit dated 03.02.2015. In paragraph 8 he has stated that he does not want to proceed in C.C. No.911/PW/2006 arising out of FIR No.16 of 2005. In paragraph 9, he has given no objection for quashing the criminal proceedings. Respondent no.2 is personally present before 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 complaint.

5. Accordingly, Rule is made absolute in terms of prayer clause (B). The criminal proceedings being C.C. No.911/PW/2006, arising out of FIR No.16/2005 registered with Bandra Police Station under Section 326 of the IPC are quashed and set aside, subject to the petitioner to pay costs of Rs.5,000/- to the Tata Memorial Hospital, Mumbai. Cost is condition precedence.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)