

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

CRIMINAL WRIT PETITION NO. 402 OF 2015

Gerald Anthony Noel Reynold .. Applicant

v/s.

The State of Maharashtra & Anr. ..Respondents

Ms. Swapna V. Gokhale for the applicant

Mr. Abhijit B. Salve 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. This application is filed under the provisions of Section 482 of the Cr.PC. seeking quashing of the proceedings in C.C. No.1383/PS/2013, pending on the file of learned Additional Chief Metropolitan Magistrate, 66th Court, Andheri, Mumbai. At the instance of respondent no.2, Powai Police Station, Mumbai registered the FIR No.228 of 2013 dated 23.04.2013 against the petitioner for the offence punishable under Sections 287 and 338 of the IPC.

2. After the completion of investigation, charge-sheet came to be filed before the learned Addl. Chief Metropolitan Magistrate, 66th Court, Andheri, Mumbai, which is numbered as C.C. No.1383/PS/2013, for the offence punishable under Sections 287 and 338 of the IPC.

3. During the pendency of the said criminal case, 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, copy of which is annexed at page no.92 to the petition.

4. In the said affidavit, he has given no objection for quashing the criminal proceedings of the said criminal case. 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.

5. 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.

6. Accordingly, the application is allowed in terms of prayer clause (a), 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.)