

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

CRIMINAL APPLICATION NO. 125 OF 2015

Sayyed Zakir Hussain Chand .. Applicant

v/s.

The State of Maharashtra & Anr. ..Respondents

Ms. S.V. Parab i/b Rajeev Sawant & Associate for the applicant

Ms. Nidhi Dotiya for respondent no.2

Mr. F.R. Shaikh, 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.P.C. seeking quashing of the FIR No.33 of 2015, dated 23.01.2015, registered with Sakinaka Police Station, Mumbai. The said FIR is registered at the instance of respondent no.2 against the applicant for the offence punishable under Sections 326 and 323 of the IPC.

2. During the pendency of the said criminal case, the parties have

settled their dispute amicably and in pursuance of the said understanding, they have agreed to quash the said criminal proceedings by consent. Respondent no.2 accordingly has filed an affidavit dated 04.02.2015.

3. In paragraph 5 of the affidavit, he has stated that the amicable settlement is arrived at between himself and the applicant and that the criming proceedings being FIR No.33 of 2015 be quashed. 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 complaint.

5. Accordingly, application is allowed in terms of prayer clause (a), subject to the applicant to pay costs of Rs.5,000/- to the Tata Memorial Hospital, Mumbai. Cost is condition precedence.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)