

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

CRIMINAL WRIT PETITION NO. 711 OF 2015

Apurva Kirit Tolat & Ors.

.. Petitioners

v/s.

The State of Maharashtra & Anr.

..Respondents

Ms. Priya Ambre i/b L.C. Tolat & Co. for the petitioners

Mr. S.K. Shinde, PP a/w K.V. Saste, APP for the respondent State

Ms. Monica Gomes i/b Birendra Kumar for respondent no.2

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 21st APRIL, 2015.

P.C.

1. Heard. 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 and setting aside the criminal proceedings of C.C. No.1166/SS/2011, pending on the file of learned Metropolitan Magistrate, 10th Court, Andheri, Mumbai. The learned Magistrate passed an order under Section 202 of the Cr.P.C. and sent the matter to Juhu Police Station. On 2nd December, 2011, Juhu Police Station submitted a report

contending that the case filed by respondent no.2 was false. The learned Magistrate thereafter did not accept the report of the Investigating Agency and issued summons to the petitioner for the offence punishable under Section 323, 504, 506 r/w 34 of the IPC.

2. During the pendency of the said case, parties have settled their dispute amicably and in pursuance of the said understanding, they have filed the present petition for quashing the said C.R., by consent. The joint consent terms, dated 17th April, 2015 are filed by the petitioners and respondent no.2. The affidavit in support of the said consent terms, dated 13th April, 2015 are filed by the petitioners. Perusal of the said consent terms and affidavit in support thereto, show that the parties have settled their dispute and they do not want to proceed further in 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.

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, the Writ Petition is made absolute in terms of prayer clause (A), subject to petitioners to pay costs of Rs.10,000/- to Tata Memorial Cancer Hospital, Mumbai within a period of two weeks from the date of receipt of this order. Cost is condition precedence. If the cost is not paid within stipulated period, the writ petition shall stand dismissed without any further reference to the Court.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)