

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

CRIMINAL WRIT PETITION NO. 723 OF 2014

Suresh D. Shroff & Ors.

.. Petitioners

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Shreeram Shirsat for the petitioners

Mr. Prashant Chandan i/b Heena H. Sarvaiya for respondent no.2.

Mrs. M.H. Mhatre, APP for the respondent State

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

DATED: 31st MARCH, 2015.

P.C.

1. Heard learned Counsel for the respective parties. By this petition, the petitioners have approached this Court under Article 226 of the Constitution of India under the provisions of Section 482 of the Cr.P.C. for quashing of criminal case No.1648/PW/2011, pending on the file of learned Metropolitan Magistrate, 10th Court at Andheri, Mumbai. The said case arises out of registration of MECR No.1 of 2011 registered at Vile Parle Police Station, Mumbai at the instance of respondent no.2 for the

offence punishable under Sections 403, 406, 418, 420 r/w 34 of the IPC.

2. During the pendency of the said C.R., the parties have settled their dispute amicably and in pursuance of the said understanding, they have filed the present petition for quashing of the aforesaid C.R. by consent. Respondent no.2 has filed an affidavit dated 7th August, 2014. In paragraph 2, he has given no objection for quashing 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 Shanti Avedna Sadan, Mount Mary Road, Bandra (W), Mumbai. Cost is condition precedence.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)