

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

CRIMINAL WRIT PETITION NO. 964 OF 2015

Himalaya Horticultural Pvt. Ltd. & Ors. .. Petitioners

v/s.

Smt. Janabai Jayram Jagzap & Ors. ..Respondents

Mr. P.J. Thorat for the petitioners

Mr. V.V. Salunke for respondent no.1

Mr. K.V. Saste, APP for the respondent State

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED: 31st MARCH, 2015.**

P.C.

1. 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 and setting aside the proceedings of C.R. No.202 of 2012 registered with Sarkarwada Police Station, Nashik for the offence punishable under Sections 416, 365, 417, 418, 420, 468, 471, 120-B of the IPC. The said C.R. was registered in pursuant to the order dated 13th June, 2012 passed by the learned J.M.F.C., Nashik under Section 156(3) in Criminal

Case No.644 of 2012.

2. Pending investigation, the parties have settled their dispute amicably and in pursuance of the understanding arrived at between them, they have filed consent terms in Special Civil Suit No.390 of 2013 and thereafter approached this Court for quashing the proceedings by consent. During the pendency of this petition, respondent no.1 however, expired on 12th March, 2015. Respondent no.1 is surviving by her two sons namely; Dnyaneshwar and Ajay. Both sons have separately filed their affidavits, dated 31st March, 2015. In paragraph 4, they have given their no objection for quashing the proceedings of the aforesaid C.R. Dnyaneshwar Jagzap, son of respondent no.1 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 (b), subject to petitioners to pay costs of Rs.15,000/- to Shanti Avedna Sadan, Mount Mary Road, Bandra (W), Mumbai. Cost is condition precedence.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)