

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

CRIMINAL WRIT PETITION NO. 965 OF 2015

Dondiram Mhase Ghode & Ors. .. Petitioners

v/s.

Thakkers Developers Ltd. & Ors. ..Respondents

Mr. V.V. Salunke for the petitioners
Mr. P.J. Thorat 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. to quash and set aside the proceedings of the C.R. No.217 of 2012 registered at Sarkarwada Police Station, Nashik. The said C.R. was registered pursuant to the order dated 5th July, 2010 passed by the learned J.M.F.C., Nashik under Section 156(3) of the Cr.P.C. in Criminal Case No.815 of 2012. The C.R. is

registered at the instance of respondent no.1 for offence under Sections 418, 420, 388, 389, 565, 467, 468, 471, 499, 500, 120-B r/w 34 of the IPC.

2. Pending investigation, the parties have settled their dispute amicably. One Mr. Jitendra Thakker, Director of respondent no.1 has filed an affidavit dated 18th March, 2015. In paragraph 3, he has give no objection for quashing the criminal proceedings of the aforesaid C.R. Mr. Jitendra, Thakker, Director 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.)