

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

CRIMINAL WRIT PETITION NO. 990 OF 2015

Nadeem Gulam Khwaja Khan & Ors. .. Petitioners

v/s.

Ammar Arif Khan & Anr. ..Respondents

Mr. Mubin Solkar for the petitioners

Ms. Nikita Ajwani for respondent no.2

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

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED: 12th MARCH, 2015.**

Not on board. Upon mentioning, taken on production board.

P.C.

1. 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 of proceedings of the FIR being C.R. No.389 of 2013 registered at Nagpada Police Station on 21.12.2013. The said FIR is filed against the petitioner at the instance of respondent no.1 for the offence punishable under Sections 323 and 324 r/w 34 of the IPC.

2. During the pendency of the said criminal case, the parties have arrived at amicable settlement and in pursuance of the said understanding, they have agreed to quash the said criminal proceedings by consent. Respondent no.1 accordingly has filed affidavit dated 12.03.2015. In paragraph 8, he has made a statement that Writ Petition be allowed in terms of prayer clause (a) and the proceedings of C.R. No.389 of 2013, registered with Nagpada Police Station be quashed and set aside. 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.

2. 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.

3. Accordingly, the Writ Petition is made absolute in terms of prayer clause (a), subject to the petitioners to pay costs of Rs.5,000/- to the Shanti Avedna Sadan, Mount Mary Road, Bandra (W), Mumbai. Cost is condition precedence.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)