

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

CRIMINAL APPLICATION NO.238 OF 2015

Anil Balkisan Bhangdiya & Ors. ..Applicants

v/s.

The State of Maharashtra & Anr. ..Respondents

Mr. Subhash Hulyalkar for the applicants
Mr. K.V. Saste, APP for the respondent State
Mr. Tribhuvan R. Chavan respondent no.2, in person

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

DATED: 25th MARCH, 2015.

P.C.

1. The applicants have approached this Court by filing the present application under the provisions of Section 482 of the Cr.P.C. for quashing the proceedings of the C.C. No.1117 of 2009, pending on the file of J.M.F.C., Pimpri, Pune. The said case arises out of registration of C.R. No.287 of 2009 registered with Pimpri Police Station, Pune against the applicants at the instance of respondent no.2 for the offence punishable under Sections 363, 384, 342, 357, 323, 506 r/w 34 of the IPC and Section 33 of the

Bombay Money Lending Act.

2. The investigating agency having completed the investigation, has already filed the chargesheet, which is numbered as R.C.C. No.1117 of 2009. During the pendency of the trial, parties have settled their dispute amicably and in pursuance of the said understanding, they have filed the present application for quashing the said C.R., by consent. Respondent no.2 has filed an affidavit dated 7th March, 2015. Respondent no.2 is personally present in the Court. In paragraph 7 of the affidavit, he has given no objection for quashing of the said criminal proceedings. 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 Criminal Application is allowed in terms of prayer clause (a), subject to the petitioners to pay costs of Rs.20,000/- to the Shanti Avedna Sadan, Mount Mary Road, Bandra (W), Mumbai. Cost is condition precedence.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)