

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

CRIMINAL APPLICATION NO. 265 OF 2015

Ashok Vajraj Jain & Ors. .. Applicants
v/s.
The State of Maharashtra & Anr. ..Respondents

**WITH
CRIMINAL APPLICATION NO. 266 OF 2015**

Rakesh Mahendra Jain .. Applicant
v/s.
The State of Maharashtra & Anr. ..Respondents

Mr. Kiran Jain i/b Kiran Jain & Co. for the applicant
Mrs. M.H. Mhatre, APP for the respondent State in APL 265/15
Mr. K.V. Saste, APP for the respondent State in APL 266/15
Mr. Abhijit Mantri for respondent no.2

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

DATED: 15th APRIL, 2015.

P.C.

1. Heard. These applications are filed under the provisions of Section 482 of the Cr.P.C. for quashing the proceedings of the F.I.R. No.116 of 2015 registered at L.T. Marg Police Station on the basis of the complaint lodged by the respondent no.2 Bhavesh Shah for the offence punishable under Sections 406, 420 r/w 34 of the IPC.

2. During the investigation, the parties have settled their dispute amicably and in pursuance of the understanding arrived at in the consent terms, the present applications are filed for quashing the proceedings of the said FIR. The consent terms are taken on record and marked "X" for identification. Respondent no.2 has filed separate affidavits in both the above applications, wherein he has given no objection to quash and set aside the proceedings of the said F.I.R. 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, both the Criminal Applications are allowed in terms of prayer clause (a), subject to applicants to pay costs of Rs.5,000/- to Shanti Avedna Sadan, Mount Mary Road, Bandra (W), Mumbai. Cost is condition precedence.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)