

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

CRIMINAL WRIT PETITION NO. 1243 OF 2015

Sanjay Shankar Hole & Ors. .. Petitioners

v/s.

The State of Maharashtra & Anr. ..Respondents

Mr. M.R. Bachate for the petitioners
Mr. Milind Sawant for respondent no.2.
Mrs. U.V. Kejriwal, APP for the respondent State

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

DATED: 31st MARCH, 2015.

PC.

1. The petitioners have approached this Court invoking jurisdiction of this Court under Article 226 of the Constitution of India under the provisions of Section 482 of the Cr.P.C. for quashing the proceedings of C.C. No.366/PW/2014, pending on the file of learned Additional Chief Metropolitan Magistrate, 4th Court, Girgaum, Mumbai. The said case arises out of M.E.C.R. No.196 of 2013 registered by Tardeo Police Station at Mumbai at

the instance of respondent no. 2 for the offence punishable under Sections 379, 380, 416, 420, 442, 443, 444, 445 r/w 34 of the IPC.

2. During the pendency of the trial of the aforesaid case, parties have settled their dispute amicably and in pursuance of the understanding arrived at between them, they have filed the present petition for quashing of criminal proceedings, by consent. Respondent no.2 has filed an affidavit dated 19th March, 2015. In paragraph 4, she has stated that the consent terms dated 19.03.2012 are arrived at between the parties. She has also stated that she is withdrawing all the allegations and do not wish to contest the criminal proceedings i.e. C.C. No.360/PW/2014 against the petitioner. Respondent no.2 is personally present in the Court. On specific query made by us, she submitted that she 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 (C), subject to petitioners to pay costs of Rs.10,000/- to Shanti Avedna Sadan, Mount Mary Road, Bandra (W), Mumbai. Cost is condition precedence.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)