

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

**CRIMINAL WRIT PETITION NO. 1632 OF 2015**

Harish Khimji Maru

.. Petitioner

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Moin Khan for the petitioner

Mr. Prityal Singh Khalsa for respondent no.2

Mrs. P.H. Kantharia, APP for the respondent State

**CORAM: RANJIT MORE &  
SMT. ANUJA PRABHUDESSAI, JJ.  
DATED: 21<sup>st</sup> APRIL, 2015.**

**P.C.**

1. Heard. 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 FIR No.109 of 2015 registered with Tardeo Police Station, Mumbai. The said F.I.R. is registered against the petitioner at the instance of respondent no.2 for the offence punishable under Section 324 of the IPC.

2. Pending investigation, the parties have settled their dispute amicably and in pursuance of the said understanding, they have

filed the present petition to quash the said C.R., by consent. Respondent no.2 accordingly has filed an affidavit dated 15.04.2015. In paragraph 9, he has given no objection for quashing criminal proceedings being FIR No.109 of 2015. 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.

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 petitioner to pay costs of Rs.10,000/- to Tata Memorial Cancer Hospital, Mumbai, within a period of two weeks from the date of receipt of this order. Cost is condition

precedent. If the cost is not paid within stipulated period, the Writ Petition shall stand dismissed without any further reference to the Court.

**(ANUJA PRABHUDESSAI, J.)**

**( RANJIT MORE, J.)**