

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

CRIMINAL APPLICATION NO. 440 OF 2015

Manoj Kumar Musicharan Sahu .. Applicant

v/s.

The State of Maharashtra & Anr. ..Respondents

Mr. V.R. Sutaria for the applicant

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

Mr. Ishwar Nankani i/b Nankani & Associates for respondent no.2

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

DATED: 6th MAY, 2015.

P.C.

1. This application is filed under the provisions of Section 482 of the Cr.PC. to quash and set aside the criminal proceedings in C.R. No 104 of 2014 registered with Marine Drive Police Station at the instance of respondent no.2 for the offence punishable under Sections 409, 418, 420, 465, 468, 471 and 474 of the IPC.

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

filed the present application for quashing and setting aside the proceedings of the said C.R., by consent. Respondent no.2 accordingly has filed an affidavit dated 06.05.2015 along with his authority letter and a copy of Resolution issued by the HDFC Bank to give no objection for quashing of the said C.R. In paragraph 5 of the affidavit, he has given no objection for quashing the criminal proceedings being C.R. No.104 of 2014. 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, the Criminal Application is made absolute in

terms of prayer clause (A), subject to applicant to pay costs of Rs.25,000/- to Shanti Avedna Sadan, Mount Mary Road, Bandra (W), 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 Criminal Application shall stand dismissed without any further reference to the Court.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)