

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

CRIMINAL WRIT PETITION NO. 2138 OF 2015

Nirbhay Singh & Anr.

.. Petitioners

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Pranil Sonawane for the petitioners

Mr. Anil T. Agarwal for respondent no.2.

Mr. J.P. Yagnik, APP for respondent State

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

DATED: 25th JUNE, 2015.

Not on board. Upon mentioning, taken on production board.

P.C.

1. 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 the proceedings of Criminal Case No.1024 of 2014, pending on the file of learned J.M.F.C., Thane. The said case arises out of registration of FIR No.I-270 of 2013, at the instance of respondent no.2 with Kashimira Police Station, Mira Road (E),

Thane for the offence punishable under Sections 324, 143, 147, 149, 504, 506 of the IPC.

2. During the investigation, police have added Section 325 and after completion of the investigation into the said FIR, charge-sheet is filed before the JMFC, Thane. During the pendency of the said criminal case, the parties have arrived at amicable settlement and in pursuance of the said understanding, they have filed the present petition for quashing the criminal proceedings, by consent. Respondent no.2 accordingly has filed affidavit dated 20.04.2015. In paragraph 3 and 4, he has given no objection to allow the petition and set aside the proceedings of the said Criminal Case. 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 Writ Petition is made absolute in terms of prayer clause (a), subject to each petitioners to pay costs of Rs.5,000/- to Tata Memorial Hospital, Mumbai within a period of two weeks from the date of receipt of this order. Cost is condition precedence.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)