

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

CRIMINAL WRIT PETITION NO. 2401 OF 2015

Mr. Mukesh Tambe & Ors.

.. Petitioners

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Rohit Pande for the petitioners

Mr. Runel V. Watulkar for respondent no.2.

Mrs. M.M. Deshmukh, APP for respondent State

CORAM: RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED: 25th JUNE, 2015.

P.C.

1. Heard learned Counsel for the respective parties.
2. Leave to amend the prayer clause (b) so as to give correct FIR no. in the prayer clause. Necessary amendment shall be carried out forthwith.
3. Rule. Rule made returnable forthwith. By consent, the petition is taken up for final hearing.

4. 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 and setting aside the FIR No.227 of 2015, registered with Byculla Police Station, Mumbai at the instance of respondent no.2 for offence punishable under Sections 326, 324 r/w 34 of the IPC.

5. Pending the investigation, parties have settled their dispute amicably and in pursuance of the said understanding, they have approached this Court by filing the present writ petition for quashing and setting aside the FIR, by consent. The respondent no.2 has filed an affidavit dated 25.06.2015. In paragraph 4, he has given no objection for quashing and setting aside the said FIR. The injured witnesses namely, Girish Sonawane and Shirish Sonawane also filed similar affidavit and given no objection to quash the said FIR. Respondent no.2 as well as injured witnesses are present in the Court today. On specific query made by us,

they submitted that they have no objection for quashing the FIR and consequential criminal proceedings.

6. 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.

7. Accordingly, the Writ Petition is made absolute in terms of prayer clause (b), subject to each petitioner 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.)