

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

CRIMINAL WRIT PETITION NO.2579 OF 2015

Ms. Sushila Gerardin Fonseca .. Petitioner

v/s.

Senior Inspector of Police & Ors. ..Respondents

Mr. Subodh Desai for the petitioner
Mr. D.V. Rajbhar for respondent no.2
Mrs. M.M. Deshmukh, APP for respondent State

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED: 15th JULY, 2015.**

P.C.

1. This petition is filed under Article 226 of the Constitution of India for quashing of C.R. No.400 of 2003 registered with Bandra Police Station, Mumbai at the instance of respondent no.2 for the offence punishable under Section 341 of the IPC.

2. Pending investigation, the parties have settled their dispute amicably and in pursuance of the said understanding they have approached this Court for quashing of said C.R., by consent. The petitioner and respondent no.2 are siblings. The respondent no.2

has filed an affidavit dated 8th July, 2015. In paragraph 6, he has given no objection to quash the subject C.R.. The respondent no.2 is personally present in the Court. On specific query made, 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 (b), subject to the petitioner to pay costs of Rs.5,000/- to the Shanti Avedna Sadan, Mount Mary Road, Bandra (W), Mumbai within a period of two weeks from the date of receipt of a copy of this order. Cost is condition precedence.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)