

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

CRIMINAL APPLICATION NO. 628 OF 2015

S.K. Bhatia & Ors.

.. Applicants

v/s.

State of Maharashtra & Ors.

..Respondents

Mr. M.S. Sonawane for the applicants

Mr. K.H. Kanojia for respondent no.2

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

CORAM: RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED: 21st JULY, 2015.

P.C.

1. Heard learned Counsel for the respective parties and learned APP for the State.

2. This application is filed under the provisions of Section 482 of the Cr.P.C. for quashing of C.C. No.266 of 266/PW/2014, pending on the file of Additional Chief Metropolitan Magistrate, Railway Mobile Court, Andheri, Mumbai. The said case arises out of registration of M.E.C.R. No.14110 with Andheri Police Station,

Mumbai at the instance of respondent no.2 for the offence punishable under Sections 441, 442, 452, 506(2) r/w 34 of the IPC.

3. Pending trial, parties have settled their dispute amicably and in pursuance of the said understanding, they have filed the present application for quashing of the said criminal case, by consent. Respondent no.2 has filed an affidavit dated 21.07.2015. In paragraph 7, he has stated that the present application may be allowed. 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.

4. 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.

5. Accordingly, the criminal application is allowed in terms of prayer clause (a), subject to the applicants to pay costs of Rs.10,000/- 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.)