

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

CRIMINAL WRIT PETITION NO. 2596 OF 2015

Shairsayed Gulsayed & Ors.

.. Petitioners

v/s.

Venkat Laxmanrao Gume & Anr.

..Respondents

Mr. Nursat Shah a/w Ram Kutwal i/b Law Chamber of Siddharth Murarka for the petitioners

Mr. R.J. Mane for respondent no.1

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

CORAM: RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED: 6th JULY, 2015.

P.C.

1. This writ petition is filed under Article of 226 of the Constitution of India for quashing of C.R. No.104 of 2015 registered with Kamothe Police Station at the instance of respondent no.1 for the offence punishable under Section 420 r/w 34 of the IPC.

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

filed present Writ Petition for quashing of the subject C.R., by consent. Respondent no.1 has filed an affidavit dated 6th July, 2015. In paragraph 3 and 4, he has stated that the dispute between himself and the petitioners is settled and he has no objection for quashing the said C.R. Respondent no.1 is personally present before us. 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 the petitioners to pay costs of Rs.15,000/- to the Tata Memorial Hospital, Bombay, within a period of two weeks from the date of receipt of a copy of this

order. Cost is condition precedence.

5. It is reported that petitioner no.3 is in custody in respect of the subject C.R. Since the said C.R. is quashed, it is directed that respondent no.3 be released forthwith, if not required in any other crime.

6. Parties to act on an authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)