

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

CRIMINAL APPLICATION NO. 640 OF 2015

Kaluram Dokajee Purohit & Ors. .. Applicants

v/s.

Naresh Godaram Chaudhary & Anr. ..Respondents

Mr. S.V. Marwadi i/b Kartik S. Garg for the applicants

Mr. Omkar Nagwekar for respondent no.1

Mrs. P.H. Kantharia, APP for respondent State

Mr. Sunil Shankar Gharat, P.I. Boisar Police Station, Palghar
present in Court.

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

P.C.

1. Heard.
2. This application is filed under the provisions of Section 482 of the Cr.P.C. for quashing of proceedings of R.C.C. No.282 of 2009, pending on the file of learned J.M.F.C., 3rd Court at Palghar, Dist. Thane. The said case arises out of registration of C.R. No. I-111 of 2009 with Boisar Police Station at the instance of

respondent no.1 for the offence punishable under Sections 326, 323, 504 and 506 of the IPC.

3. Pending trial, the parties have settled their dispute amicably and in pursuance of the said understanding they have approached this Court for quashing the said C.R., by consent. Respondent no.1 has filed an affidavit dated 15.07.2015. In paragraph 5, he has given no objection to quash the proceedings of the said criminal case. The respondent no.1 is personally present in the Court. On specific query made by us, he has stated that he has no objection if the said C.R. is quashed. Otherwise also, we have perused the FIR. The FIR reveals that the injury was caused with wooden stick, which in our opinion, is not a grievous injury. The offence under Section 326 therefore, is not made applicable. At the most, the provisions of Section 325 are applicable, which is compoundable.

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 application is allowed in terms of prayer clause (a), subject to applicants to pay costs of Rs. 15,000/- to Police Welfare Fund within a period of four weeks from the date of receipt of a copy of this order. Cost is condition precedence.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)