

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

CRIMINAL WRIT PETITION NO. 2651 OF 2015

Vikas Gajanan Shinde

.. Petitioner

v/s.

Bhakti Bharat Redkar & Anr.

..Respondents

Mr. Amit Munde for the petitioner

Mr. P.S. Gautam for respondent no.1

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

CORAM: RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED: 10th JULY, 2015.

P.C.

1. Heard learned Counsel for the respective parties.
2. This petition is filed under Article 226 of the Constitution of India for quashing the proceedings of Criminal Case No.150/PS/2013, pending on the file of learned Metropolitan Magistrate, 25th Court, Mazgaon, Mumbai. The said case arises out of registration of C.R. No. 257 of 2012 with Byculla Police Station, Mumbai at the instance of respondent no.1 for the offence

punishable under sections 279, 338 of the IPC and Section 134 (a) (b) of the Motor Vehicle Act.

3. Pending investigation, parties have settled their dispute amicably and in pursuance of the said understanding, they have approached to this Court for quashing the said C.R. by consent. The respondent no.1-complainant has filed an affidavit dated 27.06.2015 at Exh.B to the petition. In paragraph 2, she has stated that she do not want to proceed with the aforesaid above mentioned case. The respondent no.1 is personally present in the Court. On specific query made by us, she submitted that she has no objection for quashing the said C.R. 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 clauses (a) and (b), subject to petitioner to pay cost of Rs.5,000/- to 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.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)