

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

CRIMINAL WRIT PETITION NO. 3172 OF 2015

Iqbal Ahmed Irshad Ahmed Khan & Ors. .. Petitioners

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. Altaf Khan for the petitioners

Mr. Moin Khan for respondent no.2

Mrs. S.V. Sonawane, APP for respondent State

CORAM: RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED: 11th AUGUST, 2015.

P.C.

1. Heard learned Counsel for the respective parties and learned APP for the State. Learned Counsel for the petitioners seeks leave to amend the prayer clauses, so as to mention correct C.R. number. Leave is granted. Necessary amendment to be carried out forthwith.

2. This petition is filed under Article 226 of the Constitution of India under the provisions of Section 482 of the Cr.P.C. for

quashing of F.I.R. bearing C.R. No.329 of 2015 registered with Wadala T.T. Police Station, Mumbai at the instance of respondent no.2 for the offence punishable under Sections 326, 323 r/w 34 of the IPC.

3. Pending the investigation, the parties have settled their dispute amicably and in pursuance of the said understanding, they have filed the present petition for quashing of said C.R., by consent. Respondent no.2 accordingly has filed affidavit dated 11.08.2015. In paragraph 6, he has stated that he has no objection if the FIR registered against the petitioners bearing No.329 of 2015 is quashed. 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 Writ Petition is made absolute in terms of prayer clause (a), subject to each petitioner to pay costs of Rs.5,000/- 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.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)