

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

CRIMINAL APPLICATION NO. 1266 OF 2014

Sachin Shridhar Desai & Ors. .. Applicants

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. S.V. Kotwal i/b V.L. Kolekar for the applicants
Mrs. P.H. Kantharia, APP for the respondent State
Mr. A.D. Khamkhedkar for respondent no.2.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : 28th JANUARY, 2015.**

P.C.

1. At the outset, Mr. Kotwal, learned Counsel for the applicants seeks leave to amend prayer clause (b) so as to give number of criminal case, registered in pursuance of the charge-sheet. Leave is granted. Amendment to be carried out forthwith.

2. Heard learned Counsel appearing for the respective parties. This application is filed under the provisions of Section 482 of the Cr.P.C. for quashing of the proceedings of Criminal Case

No.153/PW/2014 pending on the file of learned Metropolitan Magistrate, 27th Court, Malund, Mumbai.

3. At the instance of respondent no.2, Navhghar police station, Mumbai registered offence against the applicants punishable under the provisions of Section 143, 145, 147, 149, 323, 506 (2) of the IPC and Sections 3, 25 and 27 of the Arms Act. After the completion of investigation, investigating agency has filed charge-sheet in the Court of Metropolitan Magistrate, 27th Court, Mulund, Mumbai, which is numbered as C.C. No.153/PW/2014 for the offence punishable under Sections 143, 145, 147, 149, 323, 506 (2) of the IPC.

4. During the pendency of the said criminal case, the parties have arrived at amicable settlement and in pursuance of the said understanding, they have agreed to quash the said criminal proceedings by consent. Respondent no.2 accordingly has filed affidavit dated 28.11.2014. In paragraph 4 he has given no objection against the applicants. In para 6 he has stated that in the interest of justice the proceedings deserves to be quashed and set

aside. Similar affidavits are also filed by the injured witnesses, namely Suresh Vasant Babar and Gaurav R. Choudhary. Respondent no.2 as well as the injured witnesses are present before the Court. On specific query made by us, he submitted that he has no objection for quashing the FIR and consequential criminal proceedings.

5. 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.

6. Accordingly, application is allowed in terms of prayer clause (b), subject to the applicants to pay costs of Rs.20,000/- to the Tata Memorial Hospital. Cost is condition precedence.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)