

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

CRIMINAL APPLICATION NO. 1336 OF 2014

Iqbal Mohamed Ismail Shaikh & Ors. .. Petitioners

v/s.

The State of Maharashtra & Ors. ..Respondents

Ms. Shabnam Lathiwala for the petitioners
Ms. Sana Hakim for respondent no.3
Mr. K.V. Saste, APP for the respondent State

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : 11th FEBRUARY, 2015.**

P.C.

1. Heard learned Counsel for the respective parties. This application is filed under the provisions of Section 482 of the Cr.P.C. for quashing the proceedings of the Criminal Case No.215/PW/2013, pending on the file of 52nd Additional Chief Metropolitan Magistrate Court, Kurla, Mumbai. At the instance of respondent no.2, Vinoba Bhave Nagar Police Station, Mumbai registered FIR No.235 of 2012 against the petitioners for the offence punishable under Sections 498A, 406, 323, 504 r/w 34 of the IPC.

2. After completion of investigation, police have filed charge-sheet which is number as C.R. No.235 of 2012. The applicant no.1 and respondent no.3 are husband and wife. Rest of the petitioners are family members of the applicant no.1. Due to difference of opinion between the parties, civil as well as criminal cases came to be filed against each other.

3. During the pendency of the said criminal trial, the parties have settled their dispute amicably and in pursuance of the said understanding, they have agreed to quash the said criminal proceedings, by consent. Respondent no.3 has filed an affidavit dated 16th December, 2014. In paragraph 4 she has given no objection to quash the proceedings of the said criminal proceedings. Respondent no.3 is personally present in the Court. On specific query made by us, he submitted that she 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, application is allowed in terms of prayer clause (a). The criminal proceedings in C.C. No.215/PW/2013, pending on the file of 52nd A.C.M.M., Court, Kurla, Mumbai arising out of C.R. No.235 of 2012 registered with Vinoba Bhawe Nagar Police Station, Mumbai are quashed and set aside.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)