

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

CRI. WRIT PETITION NO. 833 OF 2016

Nilesh Nenshi Gala & Anr.

... Petitioners.

V/s.

Mrs. Shakuntala Joshi & Anr.

... Respondents.

Mr. Arun Panickar, Advocate for the Petitioners.

Mr. G.S. Kulkarni a/w. Anand Poojari, Advocate for
Respondent No.1.

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

**CORAM : V. M. KANADE AND
Ms.NUTAN D.SARDESSAI,JJ.**

DATE : 25th NOVEMBER, 2016

P.C. :

1 The Petitioners and Respondent No. 1 are lawyers. There was some dispute between them which gave rise to filing of civil as well as criminal proceedings. After we persuaded both the parties to reconsider and find out amicable settlement, we are happy to mention that finally they have now arrived at an amicable settlement.

2 The Petitioner had filed R.A.D. Suit No.49 of 2016 in the Small Causes Court at Mumbai and the Respondent had

filed Criminal Complaint vide C.R. No.34 of 2016. Today both the parties are personally present in the court. They have filed the consent minutes of the order. The consent minutes are duly signed by them and also by their respective Advocates. The said consent minutes are taken on record and marked "X" for the purpose of identification.

3 We are satisfied that the dispute between the parties is personal in nature and, therefore, the ratio of the judgment of the Apex Court in the case of **Gian Singh vs. State of Punjab & Anr.**, reported in (2012) 10 Supreme Court Cases 303 will squarely apply to the facts of the present case. In view of the consent minutes, the FIR dated 11th February, 2016 vide C.R.No.34 of 2016 which is filed for the offence punishable under sections 379 and 406 of the Indian Penal Code, is quashed.

4 In para 3 of the consent minutes, the Petitioner No.1 has agreed that R.A.D. No. 49 of 2016 which is pending before the Hon'ble Small Causes Court, Mumbai, would also stand withdrawn. If this court while exercising its writ jurisdiction under Article 226 of the Constitution of India finds that though RAD No. 49 of 2016 is not before us and is pending before the Small Causes Court, by virtue of the consent terms can issue direction that the said RAD Suit stands withdrawn.

5 We are informed that another complaint being MISE No. 39 of 2016 has been filed by the Petitioner in the Chief Metropolitan Magistrates' 38th Court at Ballard Pear, seeking an order under section 156 (3) of the Cr. P.C. is also quashed though inadvertently no reference has been made in the consent terms. Both the parties are present before the court and they agree with mutual consent that the said complaint shall also stand quashed.

6 In view of the above, the criminal writ petition is disposed of in terms of the consent minutes marked "X" . Muddemal articles may be disposed of.

(Ms.NUTAN D.SARDESSAI,J)

(V.M.KANADE,J)

.....