

BDPPS

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

WRIT PETITION NO.3078 OF 2016

Mr. Shaikh Mohammed Shafik & Ors Petitioners.

V/s

The State of Maharashtra & Ors. Respondents.

Ms. Sneha Singh i/b Mr. Ashok Saraogi for the Petitioners.

Ms. S.V. Sonawane, APP for Respondent No.1/State.

Mr. Sanket Thorat for Respondent No.2.

**CORAM: V. M. KANADE &
REVATI MOHITE DERE, J.**

DATE: 9th December, 2016

P.C.:-

1] Petitioners have filed this Petition for quashing the complaint filed by Respondent No.2 for the offences punishable under sections 420, 465, 467, 468, 471, 120B of the Indian Penal Code.

2] Petitioner No.1 is the brother of Respondent No.2. Dispute between the parties arose out of the ancestral property. Respondent No.2 has filed an affidavit-in-reply which is taken on record. She is present in Court. She has stated that she has no objection if the complaint is quashed and she has received her share in the said ancestral property.

3] It is obvious that dispute essentially is family dispute between the parties. Complainant was claiming share in the property which has now been given to her. Hence, there is no impediment in quashing the said complaint in view of the ratio of the judgment of the Apex Court in *Narinder Singh and Others vs. State of Punjab and Another*¹.

4] Petition is therefore allowed in terms of prayer clause (a). If charge is filed, proceedings arising out of the said FIR are also quashed.

5] Petition is accordingly disposed of.

(REVATI MOHITE DERE, J.)

(V.M. KANADE, J.)

¹ (2014) 6 SCC 466