

BDPPS

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

WRIT PETITION NO.3506 OF 2016

Ashish Madhukar Lade

..... Petitioner.

V/s.

The State of Maharashtra and Anr.

..... Respondents.

Mr. S.G. Rajput for the Petitioner.

Mr. K.V. Saste APP for the Respondent/State.

Mr. S.B. Gothwal i/b Sarang Pathak for Respondent No.2.

**CORAM: V. M. KANADE &
MS. NUTAN D. SARDESSAI, JJ.**

DATE: 17th November, 2016

P.C.:-

1. Heard the learned Counsel appearing on behalf of the Petitioner and the learned Counsel appearing on behalf the Respondents.
2. This Petition is filed by the Petitioner for quashing the criminal complaint filed by Respondent No.2 for the offences punishable under sections 323, 324, 504, 34 of the Indian Penal Code which is registered with Worli Police Station vide CR No.82 of 2016.
3. Parties have amicably settled the dispute. Respondent No.2 has filed an affidavit stating therein that on account of misunderstanding there was dispute between the parties. He has stated that the

Petitioner is his childhood friend and they have now resolved the dispute.

4. In our view, there is no impediment in quashing the said criminal complaint by consent. Moreover, dispute between the parties is personal one and therefore ratio of the judgment in *Gyan Singh vs. State of Punjab and Another*¹ will clearly apply to the facts of the present case. Respondent No.2 is present in Court. We have asked him whether he has any objection if the complaint is quashed and he has answered in the negative.

5. Petition is therefore allowed in terms of prayer clause (a) and disposed of.

6. Petitioner, however, shall donate an amount of Rs 10,000/- to the Tata Cancer Society. Petitioner shall file an affidavit annexing the receipt of payment of the said amount to the Tata Cancer Society within four weeks.

(MS. NUTAN D. SARDESSAI, J.)

(V.M. KANADE, J.)

¹ (2012) 10 SCC 303