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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1289 OF 2016

Shri Panjabrao Vasantao Sinde & Ors. ….Applicants
Vs.
State of Maharashtra
through Hinjewadi Police Station and Ors. ….Respondents

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Mr. Prasad B. Kulkarni and Mr. Rahul Garg for Applicants
Dr. F.R. Shaikh -APP for Respondent -State
Mr. Milind Deshmukh for Respondent No.2

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

DATE : DECEMBER 2, 2016

P.C. :

1. This application is filed by the Applicant for quashing the criminal complaint lodged by Respondent No.2 for the offence punishable under sections 420, 465, 467 and 34 of the Indian Penal Code, which is pending in the Court of Joint Civil Judge and Judicial Magistrate, First Class at Pune. There was a dispute between the Applicant and Respondent No.2 in respect of the ancestral property. The parties have now amicably settled the dispute.

2. Respondent No.2- Original Complainant has filed an affidavit

stating therein that he has no objection if the complaint is quashed.

3. There is no manner of doubt that the dispute is essentially and basically is of civil nature arising out of the property between the same family members. The ratio of the judgment of the Apex Court in case of **Narinder Singh Vs. State of Punjab [(2014) 6 SCC 466]** will squarely apply to the facts of the present case. It appears that this is a second application for quashing. The first application was dismissed for want of prosecution. Hence, this application is not barred by principle of res-judicata since the first application was not decided on merits. Moreover, the dispute is settled by consent of the parties. All the parties are present in the Court. Hence, Criminal Application is allowed in terms of prayer clauses (a) and (b) and is disposed of.

Ms. NUTAN D. SARDESSAI, J. ***V.M. KANADE, J.***

Vaishali Tikam