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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION No. 4081 OF 2016**

Capt. Pheroze Dinshaw Dastur ***....Petitioner***
Vs.
State of Maharashtra and Ors. ***...Respondents***

Mr. Haresh Jagtiani a/w. Mr. Siddhesh Bhole a/w. Royden Fernandes
a/w. Nikhil Ghate i/b. Harish Jagtiani & Associates for the Petitioner
Mr. K.V. Saste-APP for Respondent No.1
Mr. A.A. Bohre for Respondent No.2

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

DATE : DECEMBER 9, 2016

P.C. :

1. Heard the learned counsel appearing on behalf of the Petitioner, the learned counsel for Respondent No.2 and the learned APP for the State.
2. The present petition is filed for quashing the criminal complaint filed by Respondent No.2 for the offence punishable under section 504 and 506 (Part I and II) of the Indian Penal Code vide CC No. 844/PW/2003 before the A.C.M.M.'s Court, Esplande.
3. Both the parties have now filed the consent terms and they are present in the Court. Respondent No.2 – Original Complainant, who is present in the Court has stated that he has no objection if the complaint

is quashed since the dispute has now been amicably settled. We have asked the Complainant whether he has any objection for quashing the complaint and he has answered in negative. We are satisfied that the dispute between the parties is of a civil nature and as such, we are of the view that there is no impediment in quashing the complaint in view of the ratio laid down by the Apex Court in catena of judgments that if the dispute is of a personal /civil nature, then such a dispute can be quashed by the High Court while exercising its writ jurisdiction under Article 226 of the Constitution of India r/w. Section 482 of Cr.P.C. In the case of **Gian Singh Vs. State of Punjab and Anr. [(2012) 10 SCC 303]** will squarely apply to the facts of this case.

4. We are of the view that once the parties have mutually settled the dispute, there is no impediment in quashing the complaint by consent. Hence, Criminal Writ Petition is allowed in terms of prayer clauses (a) and is disposed of.

Ms. NUTAN D. SARDESSAI, J.

V.M. KANADE, J.