

BDPPS

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1437 PF 2016**

Dilip Singh Rajput Applicant.

V/s

The State of Maharashtra & Anr. Respondents.

**WITH
CRIMINAL APPLICATION NO.1438 OF 2016**

Mahesh Havewalla Applicant.

V/s

The State of Maharashtra and Anr. Respondents.

Mr. Tapan Thatte for Applicant in APL/1437/2016 and for Respondent No.2 in APL/1438/2016.

Mrs. S.V. Sonawane, APP for Respondent/State in APL/1437/2016.

Mr. K.V. Saste, APP for Respondent/State in APL/1438/2016.

Ms. Nikita Bhavsar for Respondent No.2 in APL/1437/2016 and for Applicant in APL/1438/2016.

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

DATE: 19th December, 2016

P.C.:-

1] Both these applications can be conveniently disposed of by this common order.

2] Applicants had filed complaints against each other. Respondent No.2 in Criminal Application No.1437 of 2016 has filed complaint against the Applicant – Dilip Singh Rajput for the offence punishable under sections 354 and 504 of the Indian Penal Code, whereas Respondent No.2 in Criminal Application No. 1438 of 2016 has filed complaint against the Applicant – Mahesh Havewalla for the offence punishable under sections 406 and 420 of the Indian Penal Code.

3] It is submitted that there was some dispute regarding payment of certain amount in respect of transaction of sale of Audi Car between the parties. On account of the said dispute, these complaints were filed by the respective Applicant. Both have now filed an affidavit stating therein that they have no objection if the complaints are quashed. Both the applicants are present in Court. They have stated that they have no objection if the complaints filed by them against each other are quashed.

4] We are satisfied that dispute between the parties, essentially, is of a civil nature and, as such, in view of the judgment of the Apex Court in *Narinder Singh and Others vs. State of Punjab and Another*¹, there is no impediment in quashing both these complaints.

¹ (2014) 6 SCC 466

5] Both these Applications are allowed in terms of prayer clause (a) of the respective application. The Audi Car which is seized by the Police shall be returned to the Applicant – Dilip Singh Rajput.

6] Both these applications are accordingly disposed of.

(Ms. NUTAN D. SARDESSAI, J.)

(V.M. KANADE, J.)