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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION No. 4446 OF 2016

Niraj Kajaria ... Petitioner
Vs.
The State of Maharashtra & Anr ... Respondents

Mr. S. N. Raj i/b Raj & Associates, for the Petitioner.

Mr. K. V. Saste, APP for Respondent No. 1 - State.

Mr. Nitin Patil a/w Amit Surve, for Respondent No. 2.

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

DATE : DECEMBER 21, 2016

PC.

1. By this petition, which is filed under Article 226 of the Constitution of India and under S. 482 Cr.P.C., Petitioner is seeking an appropriate writ, order and direction, directing the quashing of a criminal complaint lodged by Respondent No. 2 vide FIR No. 102/2015, which is registered with Antop Hill Police Station, for the offences punishable under Sections 420, 506 of IPC. The parties have amicably settled the dispute. Respondent No. 2 is present in the Court. He has filed affidavit in reply stating therein that dispute has been amicably settled between the parties. The Petitioner has also

filed a complaint against the complainant at Chetla Police Station, Kolkata. Petitioner's father is present in the Court. He gives an undertaking that the complaint filed against Respondent No. 2 vide FIR 128/2016, registered with Chetala police station, Kolkata will be withdrawn.

2. We are satisfied that the dispute between the parties is essentially of a civil nature and the parties have entered into a settlement agreement, which is annexed to the affidavit in reply, filed by Respondent No. 2.

3. We are of the view that the ratio of the judgment of the Apex Court in the case of *Narinder Singh & Ors., Appellants Vs. State of Punjab & Anr., Respondents [(2014) 6 SCC 466]* will squarely apply to the facts of the present case. Writ petition is, therefore, allowed in terms of prayer clause (a). Since, the FIR is quashed, the Petitioner be released forthwith by Respondent No. 1.

. Parties to act on an authenticated copy of this order.

Sd/-
[Ms. NUTAN D. SARDESSAI, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemath