

IN THE HIGH COURT OF BOMBAY AT GOA.
CRIMINAL WRIT PETITION NO. 53 OF 2015.

1. Mr. Juergen Langer,
S/o. Ferdinand Langer,
aged 48 years,
occupation: Service, R/o
Apt No. 212, Riviera
Residency, Arpora, Bardez
Goa.

2. Ms. Donna Maria Jolliff,
D/o Mr. Barry Bennelick,
Aged 49 years,
Occupation: Service, R/o
c/o Apt No. 212, Riviera
Residency, Arpora, Bardez
Goa.

..... Petitioners.

Versus

1. The State of Goa, through
its Chief Secretary, having
his office at the
Secretariat, Alto Porvorim,
Bardez, Goa.

2. The Police Inspector,
Anjuna Police Station,
Anjuna, Bardez, Goa.

3. Ms. Chetna Keer, Age 45
years, Indian National, r/o
280 1st Floor, Press
Apartment, Sector 48-A,
Chandigarh, Punjab, India.

..... Respondents.

Mr. Venkatesh Nayak Salatry, Advocate for the petitioners.
Mr. M. Amonkar, Additional Public Prosecutor for the
respondent nos. 1 and 2.
Mr. S. Desai, Advocate for the respondent no. 3.

Coram:- F. M. REIS,
K. L. WADANE, JJ.

Date:-28th July, 2015.

ORAL JUDGMENT (Per K. L. Wadane, J)

Heard Mr. V. Nayak Salatry, learned Advocate appearing for the petitioners and Mr. M. Amonkar, learned Additional Public Prosecutor appearing for the respondent nos.1 and 2 and Mr. S. Desai, learned Advocate appearing for the respondent no.3.

2. Rule made returnable forthwith.

3. Heard by consent of learned counsel appearing for the respective parties. Mr. M. Amonkar, learned Additional Public Prosecutor waives notice on behalf of the respondent nos.1 and 2 and Mr. S. Desai, learned Advocate waives notice on behalf of the respondent no. 3.

4. This a Writ Petition filed by the petitioners seeking to quash and set aside First Information Report No.24/2015 dated 16.2.2015 lodged by the respondent no. 3 with the respondent no. 2, on the basis of which offence punishable under Sections 504, 323, 354 of IPC is registered.

5. Pursuant to the complainant, the petitioner no.1 was arrested and was released on regular bail. The petitioner no. 2 obtained Anticipatory Bail from the Sessions Court. The learned

counsel appearing for the petitioners states that no chargesheet is filed till today. From the contents of FIR, it appears that the petitioner no.1 committed offence of outraging modesty of the respondent no. 3.

6. Today, the respondent no.3 filed her affidavit and has stated that the petitioner no.1 and the respondent no. 3/original complainant have entered into letter of consent dated 31.3.2015 whereby, the respondent no. 3/original complainant agreed to withdraw the complaint filed against the petitioners subject to the conditions mentioned in the letter and therefore, she has no objection to quash and set aside the FIR.

7. Mr. Amonkar, learned Additional Public Prosecutor has no objection to allow the petition.

8. Looking to the facts and circumstances of the case and the fact that the parties have amicably settled their dispute, therefore in such circumstances, continuation of a criminal proceedings is meaningless.

9. Now it is well settled law that this Court has powers to quash and set aside the criminal proceedings under the provisions of Section 482 of Cr.P.C. Having regard to the fact that the parties have amicably settled their dispute and the

victim has no objection, even though offences are non bailable. By way of filing an affidavit and letter of consent, the respondent no. 3 has withdrawn the allegations and have settled the dispute amicably.

10. In such circumstances and in the interest of justice petition deserves to be allowed and accordingly, it is allowed and FIR no. 24/2015 lodged with the respondent no. 2 is hereby quashed and set aside.

11. Rule made absolute in the aforesaid terms.

12. Petition stands disposed of accordingly.

K. L. WADANE, J.
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F. M. REIS, J.