

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 78 OF 2015

Vijay Narayan Kadam.

..Petitioner.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. M. K. Kocharekar for the Petitioner.

Mr. Dayaned Dere for Respondent No. 2.

Mrs. S. V. Sonawane, learned APP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **January 20, 2015.**

P. C. :

1. Rule. Rule made returnable forthwith. By consent, taken up for final disposal.

2. Heard. This petition under Article 226 of the Constitution of India and under the provisions of section 482 of the Code of Criminal Procedure, 1973 is filed for quashing the proceedings of Criminal Case No.1063 of 2014 pending on the file of the Metropolitan Magistrate, 15th Court, Mazgaon, Mumbai which is the off-shoot of C.R.No.212 of 2014 lodged by Respondent No.2 with Kalachowki Police Station for the offence punishable under sections 354(A) and 509 of the Indian Penal Code, 1860 and 66-A(a)(c) and 67 of the Information Technology Act, 2000.

3. Learned Counsel appearing for the respective parties submitted that both parties have settled their dispute

amicably and in pursuance of the understanding arrived at between them, the Petitioner has filed present petition for quashing of the criminal proceedings in question.

4. In the present petition, Respondent No.2 has filed an affidavit dated 10th January 2015. In paragraph 3 of the affidavit, she has stated that she is consenting for quashing the proceedings of the criminal case No. CC No. 1063 of 2014.

5. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the criminal proceedings in question initiated by her against the Petitioner for the offence punishable under sections 354(A) and 509 of the Indian Penal Code, 1860 and 66-A(a)(c) and 67 of the Information Technology Act, 2000.

6. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of FIR, it transpires that the allegations are totally personal in nature. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are

already overburdened.

7. In the light of principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the criminal proceedings. In that view of the matter, rule is made absolute in terms of prayer clause (a).

8. However, in the peculiar facts and circumstances of the case, we find it would be appropriate to saddle the Applicant with the cost of Rs.20,000/-. For the quashment to take effect, the Petitioner shall deposit the said cost in this Court within the period of two weeks from today. Respondent No.2 is at liberty to withdraw the cost without any further orders from this Court.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]