

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 144 OF 2015

Keyur Mahendra Desai & Anr. .. Petitioners

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. P.B. Pawar for the petitioners

Mr. Rohit P. Sawant for respondent nos. 2 and 3

Mr. J.P. Yagnik APP for the respondent State

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 9th MARCH, 2015.

P.C.

1. Heard learned Counsel for the petitioners, respondent nos. 2 and 3 and learned APP for the respondent State. None appears on behalf of respondent no.4, despite service of notice.

2. This petition is filed under Article 226 of the Constitution of India under the provisions of Section 482 of the Cr.P.C. for quashing the criminal proceedings of C.C. no.1946/PW/2014, pending on the file of learned Metropolitan Magistrate, 26th Court

at Borivali, Mumbai. Said case arose out of registration of FIR No.161 of 2014 against the petitioners at the instance of respondent no.4 for the offence punishable under Sections 323, 324, 374 r/w 34 of the IPC and Sections 23 and 26 of the Juvenile Justice Act.

3. During the pendency of the trial of the said case, the petitioners and respondent nos. 2 and 3 have arrived at amicably settlement and in pursuance of the said understanding, they have agreed to quash the said criminal proceedings, by consent. Respondent no.2 has filed an affidavit dated 20th January, 2015. In paragraph 14, she has stated that she do not wish to pursue the said criminal case against the petitioners. She further submitted that she has voluntarily made the affidavit and no undue influence and duress is put on her for making the same. On specific query made by us, she submitted that she has no objection for quashing the FIR and consequential criminal proceedings.

4. We have gone through the relevant papers more particularly

the statement of the respondent no.2. Having considered the same, we are of the considered view that this is the fit case to quash the criminal proceedings. Simultaneously, we are of the view that the petitioners should be directed to give compensation to the respondent no.3.

5. We are of the view that the dispute is of personal nature and the ratio in the case of *Narinder Singh Vs. State of Punjab (2014) AIR SCW 2065* would squarely apply to the facts of the present case and as such there is no impediment in quashing the criminal complaint.

6. Accordingly, the Writ Petition is disposed of in terms of prayer clause (a), subject to the petitioners to compensation of Rs.60,000/- to the respondent no.3. The petitioners shall invest the said amount of Rs.60,000/- in the name of respondent no.3 in any nationalized bank in the fixed deposit for a period of six years and deposit the receipt of the same with the Registry of the Court, within a period of two weeks from today.

7. Registry is directed to handover the said fixed deposit receipt to respondent no.3 after issuing letter to the concerned bank not to allow encash or withdrawal of the said amount during the period maturity of the said fixed deposit.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)