

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 45 OF 2015**

Smt. Nishat Rahil Shaikh

..Applicant

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. B.A.Mulla i/b. C.D.Prabhu for the Applicant.

Ms.Farhana Shah for the Respondent No.2.

Mr. S.V.Sonawane, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JANUARY 29, 2015.**

P.C.

1. This application is filed under the provisions of Section 482 of Cr.P.C. for quashing the FIR bearing C.R.No.311 of 2014 registered with the Charkop Police Station against the applicant at the instance of the respondent no.2, for the offence punishable under Section 380 of the Indian Penal Code.

2. The applicant and the respondent no.2 thereafter settled the dispute amicably. The respondent no.2 accordingly has filed affidavit dated 5th January, 2015. In paragraph 4 of the affidavit, no

objection is given for quashing the FIR No.311 of 2014 registered with Charkop Police Station on 28.9.2014.

3. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said statement in the affidavit on his own free will, without there being any pressure or undue influence. He further confirmed that he has no objection for quashing the FIR initiated by him against the applicant. It can thus be seen that the dispute between the parties is settled. The allegation made against the applicant is personal in nature and no public law is involved in the crime. In the 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.

4. In the light of the 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.

5. Accordingly, application is allowed in terms of prayer clause (a).

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)