

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

CRIMINAL WRIT PETITION NO. 219 OF 2015

Rajesh Rajan Chavan

..Petitioner

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Moinuddin Khan for the Petitioner.

Mr.Altaf Khan for the Respondent No.2.

Mrs.M.M.Mhatre, APP for the Respondent/State.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI,JJ.

DATED : APRIL 30, 2015.

P.C.

1. This petition is filed invoking the provisions of Article 226 of the Constitution of India, 1950 r/w. with the provisions of Section 482 of Cr.P.C. for quashing and setting aside C.R.No.365 of 2014 registered with Kurar Police Station, Mumbai at the instance of the respondent no.2 for the offence punishable under Section 363 of IPC r/w. Section 8, 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Pending investigation, parties settled their disputes amicably and in pursuance of the understanding arrived at between them have approached this Honourable Court by filing this petition to quash the proceeding of the said C.R.No. 365 of 2014 by consent.

3. The respondent no.2 accordingly has filed affidavit dated 30th April, 2015. In paragraph 7 of the affidavit, she has given no objection is given for quashing the proceeding of the said C.R.No.365 of 2014.

4. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said statement in the 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 Section 363 of IPC r/w. Section 8, 12 of the Protection of Children from Sexual Offences Act, 2012.

5. We have also perused the FIR. The FIR shows that the victim on herself left the house and the offence under Section 363 of the IPC is not made out. In the facts of the case, in our considered opinion,

in the interest of the victim to quash the proceeding.

6. It can be seen that the dispute between the parties is settled. The allegation made against the petitioner is personal in nature and no element of 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.

7. 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.

8. Accordingly, petition is allowed in terms of prayer clause (a).

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)