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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 381 OF 2015

Shri Majindar Harbans Singh Bains

....Petitioner

versus

1. State of Maharashtra

2. Asha Pandurang Bane

....Respondents

Mr. Manoj Badgujar i/b. Mr. Satish B. Patil, advocate for the petitioner.

Mrs. M. M. Deshmukh, App for the State.

Mr. Gopal Bhagat i/b. Mr. Wasim Shaikh, advocate for respondent No.2.

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

DATED : 27th March, 2015.

P.C.:

The petitioner has approached this Court invoking the powers of this Court under Article 226 of the Constitution and Section 482 of the Criminal Procedure Code, 1973, for quashing and setting-aside the proceedings of FIR bearing C.R. No.1-213/14 registered with Ulhasnagar Police Station. The said FIR is registered, at the instance of respondent No.2, against the petitioner for the offences punishable under Sections 376, 313 and 420 of the Indian Penal Code, 1860 (for short "the IPC").

2. Pending the investigation, the dispute between the parties came to be settled amicably, and in pursuance of an understanding arrived at between the parties, the present petition is filed for quashing

the proceedings of the said FIR by consent. Though the FIR is registered under Section 376 of the IPC, perusal of the complaint itself shows that the petitioner and respondent No.2 were in love with each other since 2001 and they also had physical relationship from 2002. The complaint came to be filed only when the petitioner refused to marry respondent No.2. Respondent No.2 has also filed an affidavit. In paragraph 5, she has stated that the complaint is filed in a fit of anger as she felt insulted and humiliated. In paragraph 6, she has stated that her parents have fixed her marriage and, therefore, she does not want to proceed with the said FIR. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the affidavit and has fully understood the contents thereof and has no objection, if the proceedings of the said FIR are quashed and set-aside. She further stated that she is giving no objection for quashing the said proceedings out of free will and without there being any pressure or coercion.

3. In our view, in the above circumstances, the ingredients of the offence under Section 376 of the IPC are not made out and quashing of the said FIR would be in the interest of respondent No.2. It can, thus, be seen that the dispute was totally personal in nature, which has now been settled amicably. In these circumstances and especially, in view of law laid down by the Apex Court in the case of **Narinder Singh and ors.**

versus State of Punjab and anr.2014 AIR (SCW) 2065, we are of the considered view that there is no impediment in quashing the criminal proceedings. Besides, no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the criminal proceedings are required to be quashed. The writ petition is, accordingly, made absolute in terms of prayer clause (1) and is disposed of as such.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)