

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

CRIMINAL APPLICATION NO. 203 OF 2015

Mr.Javed Faruq Bakali

..Applicant

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. S.R.Gaud for the Applicant.

Respondent No.2 present in person.

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

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI,JJ.

DATED : JUNE 23, 2015.

P.C.

1. Heard learned Counsel for the applicant, learned APP for the State and the respondent no.2 in person.
2. This application is filed under Section 482 of Cr.P.C. for quashing and setting aside the FIR No.75 of 2014 registered against the petitioner, at the instance of respondent no.2 with Colaba police station for the offence punishable under Section 354 of I.P.C.
3. Pending investigation, the applicant and the respondent no.2

settled their dispute amicably and in pursuance of the understanding arrived between them have approached this Honourable Court for quashing and setting aside FIR No.75 of 2014. The respondent no.2 accordingly has filed affidavit dated 8th May, 2015. In paragraph 5 of the affidavit, no objection is given for quashing the proceeding of the said FIR.

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 applicant for the offence punishable under sections 354 of the Indian Penal Code, 1860.

5. 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 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.

6. 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.

7. Accordingly, application is allowed in terms of prayer clause (b).

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)