

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

CRIMINAL WRIT PETITION NO. 1809 OF 2015

Mr.Juned A. Rauf Chunawala & ors.

..Petitioners

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr.Juned Rauf, Mr. Firoz Tiniwala, Mrs. S.F.Tinwala, Petitioner nos. 1 to 3 personally present.

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

Mr.S.R.Gaud for the Respondent No.2.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI,JJ.

DATED : JUNE 23, 2015.

P.C.

1. Heard petitioners in person and the counsel for respondent no.2.

2. This petition is filed under Article 227 of the Constitution of India r/w. with the provisions of Section 482 of Cr.P.C. for quashing the proceeding of FIR No. 74 of 2014, lodged at the instance of respondent no.2 with the Colaba Police Station for the offences

punishable under Sections 354, 354A, 354(D)(1), 509, 504, 506 r/w. 34 of I.P.C.

3. The petitioner and the respondent no.2 thereafter settled the dispute amicably. 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 registered with Colaba Police Station.

4. Respondent No..2 is personally present before the Court, along with her father. 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 354, 354A, 354(D)(1), 509, 504, 506 r/w. 34 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 petitioners 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/petition is allowed in terms of prayer clause (a).

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)