

Ballaprasad Bhaiyalal Rathod	...	Petitioner
Vs.		
Snehal Dashrath Choudhari and another	...	Respondents

Mr. Pandit Kasar for Petitioner.
Mrs. M. H. Mhatre, APP for Respondent No.1-State.
Ms Aditi Naikare for Respondent No.2.

**CORAM : RANJIT MORE &
R. G. KETKAR, JJ.**

DATE : SEPTEMBER 1, 2015

P.C. :

Heard.

2. At the outset, Counsel for the petitioner seeks leave to amend the prayer clause so as to correct the number of Appeal. Leave granted. Necessary amendment shall be carried out forthwith.

3. Petition is filed for quashing the proceedings arising out of the F.I.R.No.55 of 2011 registered at Faraskhana Police Station, Pune. The said F.I.R. was registered against the petitioner and at the instance of the respondent No.1 under Section 354 of the Indian Penal Code. After completion of the investigation, charge-sheet was filed, which was numbered as S.T.C.No.7416/2011. The Judicial Magistrate First Class Court No.2, Pune tried the petitioner-accused. By order dated 31.01.2013, J.M.F.C. Court No.2, Pune disposed of the same and the

petitioner was convicted for the offence punishable under Section 354 of the I.P.C. and sentenced to suffer simple imprisonment for two years and to pay a fine of Rs.1,000/- in default to suffer simple imprisonment for one month. Petitioner has challenged this order by filing an appeal being Criminal Appeal No.59 of 2013. The said Appeal is pending before the Sessions Judge at Pune.

4. During the pendency of the said Appeal, parties settled their dispute amicably and have approached this Court by way of above Petition for quashing the said proceeding by consent. Respondent No.1 has filed an affidavit dated 17.08.2015. In paragraph 3, she has stated that the petitioner offered unconditional apology to her and her family for the act committed by him. She has also stated that petitioner has given her assurance that such type of incident would not be repeated. The complainant-respondent No.1 has also stated that she has no grievance against the petitioner as he has unconditionally apologized for his act. In paragraph 4, she has stated that she is willing to compound the offence registered against the petitioner and the same may be quashed with her consent. Respondent No.1 is personally present in the Court. On specific query, she has confirmed the contents of the said affidavit. She has also stated that she has no objection for quashing the said proceedings.

5. It can, thus, be seen that the matter has been amicably settled

between the parties. From the perusal of the complaint, it transpires that the allegations are totally personal in nature. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]**, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened. However, at the same time, costs need to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

6. Accordingly, F.I.R. No.55 of 2011 and the proceedings arising out of the said F.I.R. being Criminal Appeal No.59 of 2013 as also the order dated 31.01.2013 passed in S.T.C.No.7416/2011 are quashed and set aside subject to costs of Rs.50,000/- to be paid by the petitioner. Petitioner shall deposit the costs in the Registry within a period of 3 weeks from today, failing which the Petition shall stand dismissed automatically without further reference to the Court. Respondent No.1 is at liberty to withdraw the said amount upon making proper application to the Registry.

7. Subject to above, Petition is disposed of.

(R. G. KETKAR, J.)

(RANJIT MORE, J.)