

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

CRIMINAL APPLICATION NO. 582 OF 2014

Yogen Sunil Nile

.. Applicant

v/s.

Mrs. Anjali Yogen Nile & Ors.

..Respondents

Mr. Niranjan S. Mundargi for the applicant

Ms. Shweta Sangtani for respondent no.1.

Mrs. M.M. Deshmukh, APP for the respondent State

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED : 3rd FEBRUARY, 2015.

P.C.

1. Heard learned Counsel for the respective parties. This application is filed under Section 482 of the Cr.P.C. for quashing of the proceedings of the FIR being C.R. No.174 of 2014, registered with Borivali Police Station, Mumbai, at the instance of respondent no.1 for offence punishable under Section 376, 420, 406 of the IPC.

2. During the investigation, the parties have settled their dispute and arrived at the compromise terms. The petitioner and respondent

no.1 got married on 22.05.2014. The Certificate and the declaration to that effect are annexed at Exhibit "B' colly. The petitioner and respondent no.1 are presently staying together.

3. In pursuance of the said terms of compromise, the present applicant has filed the application for quashing of the FIR, by consent. We have perused the FIR, copy of which is annexed at Exh."A". Perusal of the FIR shows that the relations between the parties were consensual and does not *prima-facie* disclose commission of offence under Section 376 of the IPC.

4. The respondent no.1 has filed an affidavit dated 3rd February, 2015. In paragraph 3, she has stated that she is happily married with the applicant and does not wish to proceed with the subject FIR. In paragraph 4, she has given no objection for quashing the above referred FIR. The respondent no.1 is personally present in the Court. On specific query made by us, she has stated that she has no objection for quashing of the above referred FIR and consequential criminal proceedings. She has further stated that she has voluntarily

made the affidavit and no undue influence is put on her for making the same.

5. We are of the view that the dispute is of personal nature and the ratio in the case of *Narinder Singh Vs. State of Punjab (2014) AIR SCW 2065* would squarely apply to the facts of the present case and as such there is no impediment in quashing the criminal complaint.

6. Accordingly, Criminal Application is allowed in terms of prayer clause (A).

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)