

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

CRIMINAL WRIT PETITION NO. 2265 OF 2014

Sakshi N. Nagwani

..Petitioner

v/s.

The State of Maharashtra & Ors.

..Respondents

Mr. Suresh Dubey for the Petitioner.

Mr. Sunedh Kale a/w. Ms. K.H.Rajani for the respondent no.3.

Mr. K.V.Saste, APP for the Respondent/State.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED : JANUARY 12, 2015.

P.C.

1. This petition is filed under Article 226 of the Constitution of India and the provisions of Section 482 of Cr.P.C. for quashing the MECR No.3 of 2013 registered at Rabale Police Station, in pursuance of the order under Sec.156(3) issued by the learned Magistrate in OA No.256 of 2013.

2. The petitioner is the wife of the respondent no.3, due to the differences between the parties, respondent no.3 has filed criminal

case against the petitioner for offence punishable under Section 420, 384, 406, 504, 506, 407 r/w. 34 of IPC and under Section 67A of the Information Technology Act.

3. The learned Judge passed an order under Section 156(3) and thereafter MECR in question is registered against the petitioner. The differences and disputes between the parties were thereafter settled by intervention of mediator and accordingly consent terms were entered into between the parties in Criminal Application No. 743 of 2014.

4. In para 14 and para 22 of the said consent terms both the parties agreed to withdraw the allegations made against each other. The respondent no.3 has also given no objection for quashing of the said MECR. The respondent no.3 also has filed an affidavit dated 12.1.2015. In para 3 he has given no objection for quashing and setting aside the said MECR in pursuance of the consent terms dated 23.12.2014. The respondent no.3 is personally present in the court. He states that he has gone through the consent terms and affidavit and states that he has no objection for quashing the said MECR. He further states that he is giving no objection without any influence or

coercion from anybody.

5. In the above facts and circumstances, and in the light of the decision in the case of in B. S. Joshi vs. State of Haryana reported [AIR 2003 SC 1386] wherein it is held that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code.”.

6. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the crime. In these 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.

7. 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.

8. Accordingly, petition is allowed in terms of prayer clause (a).

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)