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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1038 OF 2015

Obaid Muzafar Khan
V/s.
State of Maharashtra

..Applicant.

..Respondents.

Mr.U.S.Jain for the applicant.

Mr.J.P.Yagnik, APP for respondent-State.

Ms.Sana Sayed Minaz Sayed Ahmed – respondent No.2 in person.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 7TH DECEMBER, 2015

**P.C. :-
as well**

1. Heard learned counsel for the applicants, learned A.P.P. for the State and respondent No.2 in person.

2. This criminal application is filed by the applicant under the provisions of Section 482 of the Code of Criminal Procedure, 1973 for quashing the F.I.R. bearing No.245/15 registered with Andheri police station, Mumbai at the instance of respondent No.2 against the applicant for the offences punishable under Sections 354, 354(A) and 506 of the Indian Penal Code.

2. Pending investigation, the parties have approached this Court for quashing the subject F.I.R. by consent since they have amicably settled their dispute. Respondent No.2 has filed an affidavit dated 7th December, 2015. In paragraph 2 she has stated that she has amicably settled the entire dispute with the petitioner and she does not wish to proceed with the subject F.I.R. and the same be quashed. Respondent No.2 is personally present before the Court. On being questioned, respondent No.2 has specifically stated that she has gone through her affidavit and has fully understood the contents thereof and has no objection if the subject F.I.R. is quashed. She also stated that she is giving no objection for quashing the subject F.I.R. out of free will and without there being any pressure or coercion.

3. The petitioner on his own undertakes to do community service by reading Quran to the students at Darul Aloom, Marol Saki, Naki, Andheri, Mumbai once in a week for a period of three months from date of receipt of order and further undertakes to do community service in Saint Catherine Home (Old Age Home) at Borivali once in a week thereafter for a period of three months. The said undertaking is accepted.

4. 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 offence. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh V/s. 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. In that view of the matter and in the interests of justice, the subject F.I.R. is required to be quashed.

5. It is clarified that the said act of community service undertaken by the petitioner is voluntary and it will not be construed as acceptance of guilt on the part of the petitioner and the same will not come in the way of the petitioner during his further career, profession or for any other purposes.

6. Accordingly, the application is made absolute in terms of prayer clause (a) and the same stands disposed of.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)