

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1060 OF 2015

Rakesh Tolaram Sharma.

..Applicant.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. Mallika Ingale for the Applicant.

Mr. J. P. Yagnik, learned APP for the State.

Ms. Sharan Patole for Respondent No. 2.

Coram : RANJIT MORE &
R. G. KETKAR, JJ.

Date : **October 16, 2015.**

P. C. :

1. By this application, under section 482 of the Code of Criminal Procedure, 1973, the Applicant is seeking to quash the FIR bearing No.310 of 2015 registered against him with Goregaon Police Station. The FIR is registered at the instance of Respondent No.2 and the allegation pertains to the commission of the offence punishable under section 363 of the Code of Criminal Procedure, 1973 .

2. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation, with the help and intervention of friends and well-wishers, the parties have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present application is filed for quashing the above FIR, by consent of Respondent No.2-

original complainant.

3. Affidavit dated 9th October 2015 has been filed by Respondent No.2. In paragraph No.2 he has stated that he lodged FIR against the Applicant as he suspected that his daughter had been enticed away by the Applicant, when she did not return home from college on 27th June 2015. He has further stated that when his daughter returned home she informed him that she had gone to her Aunty's house, as he (Respondent No.2) was looking for a bridegroom to get her married against her wishes. In paragraph 4 he has stated that he has no objection if FIR No. 310 of 2015 registered against the Applicant is quashed.

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 crime. 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 Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the FIR alive except ultimately burdening the Criminal Courts which are already overburdened.

5. 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 FIR in question. Accordingly, application is allowed in terms of prayer (a). No order as to costs.

[R. G. KETKAR, J.]

[RANJIT MORE, J.]