

SSK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
WRIT PETITION NO. 4187 OF 2014**

Bharat Chopde and anr.

....Petitioners

versus

1.The State of Maharashtra

2.Ranjana Shrikrishna Raibole

....Respondents

Mr. Milan Desai i/b. Mr. T. R. Patel, advocate for the petitioners.

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

**CORAM : RANJIT MORE &  
ANUJA PRABHUDESSAI, JJ.**

**DATED : 5<sup>th</sup> MARCH, 2015.**

**P.C.:**

Mr. Desai, learned counsel for the petitioners seeks extension of time to carry out the amendment so as to implead original complainant as party respondent as per the order dated 18<sup>th</sup> December, 2014. Extension as sought for, is granted. The amendment be carried out during the course of the day.

2. This petition is filed jointly by the accused and victim under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 for quashing the proceedings of the Sessions Court No.206 of 2011 pending on the file of learned Sessions Court for the Greater Bombay at Dindoshi, Bombay arising out of

C.R.No.28/11 registered with Samtanagar Police Station, at the instance of respondent No.2, for the offences punishable under Sections 363 and 376 of the Indian Penal code, 1860.

3. During the pendency of the trial, the parties to the petition settled their dispute amicably. The accused-petitioner No.1 and victim-petitioner No.2 got married on 4<sup>th</sup> April, 2014. The marriage is registered by the Registrar of Marriages, Municipal Corporation of Greater Mumbai and the marriage certificate to that effect is annexed to the petition. Respondent No.2 is the original complainant and mother of the victim-petitioner No.2. She has filed an affidavit dated 3<sup>rd</sup> March, 2015. She has confirmed that petitioner Nos.1 and 2 have got married and, accordingly, has given no objection for allowing the writ petition by quashing the proceedings of Sessions Court No.206 of 2011 pending on the file of learned Sessions Court for the Greater Bombay at Dindoshi, Bombay arising out of C.R.No.28/11 by consent. Respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the affidavit and has fully understood the contents thereof and has no objection, if the proceedings arising out of the said criminal case are quashed and set-aside. She also stated that she is giving no objection for quashing the said proceedings out of free will and without there being any pressure or coercion.

4. The record indicates that both the petitioners viz. accused and victim were in love with each other. They have subsequently married. We are of the opinion that the quashing of the proceedings of the sessions case would be in the interest of the victim herself. Considering the peculiar facts and circumstances of the case, we are inclined to quashed the proceedings of Sessions Court No.206 of 2011.

5. 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 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. Accordingly, the petition is allowed in terms of prayer clause (c) and is disposed of as such.

**(ANUJA PRABHUDESSAI, J.)**

**(RANJIT MORE, J.)**