

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

CRIMINAL APPLICATION NO.1244 OF 2014

Nikhil Sheetal Morche & Ors.	).. Applicants
Vs.	
The State of Maharashtra & Ors.	).. Respondents

Mr.Niranjan Mundargi i/by S.R.Mithare for the applicants.

Mrs.M.H.Mhatre APP for the Respondent-State.

Mr.J.J.Bardeskar for respondent no.2.

**CORAM : RANJIT MORE &
K.R.SHRIRAM, JJ.**

DATE : 5th August, 2015

P.C.

1 Heard the learned Advocate for the applicants, learned Advocate for respondent no.2 as well as learned APP for the State.

2 At the outset, the learned Advocate for the applicants seeks leave to amend the prayer clause-(a) so as to give particulars of the criminal case. Leave granted. Necessary amendment to be carried out forthwith.

3 The application is filed under the provisions of Section 482 of the

Criminal Procedure Code, to quash and set aside the proceedings of the Sessions Case No.276/2015 pending on the file of the learned Sessions Court at Pune. The said case arises from the registration of the FIR bearing CR No.360 of 2014 registered with Yerwada Police Station, Pune, at the instance of respondent no.2 for the offences punishable under Sections 498-A, 306, 323, 504 r/w 34 of IPC.

4 The daughter of the respondent no.2 Nikitha married with the applicant no.1 on 29.1.2010. Unfortunately, Nikitha has hanged herself to the ceiling fan and committed suicide on 4.7.2014 and thereafter subject FIR was registered. Applicant nos.2 & 3 are family members of applicant no.1.

5 During the trial, parties settled their dispute and arrived at settlement and thereafter approached this court for quashing of the subject FIR bearing CR No.360/2014. Respondent no.2 has filed an affidavit dated 5.8.2015. In paragraph no.3 of the said affidavit, he has stated that he has filed the subject FIR because of misunderstanding and anger. He further stated in paragraph no.4 that he want to maintain cordial and good relations with the applicant. He also stated that his grand-daughter who is just one year old and if the case is tried and continued, it will have a negative impact on the further and upbringing of

his grand-daughter.

6 Respondent no.2 is personally present in court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He also states that he has gone through the contentions made in the affidavit and he confirmed the contents thereof. He also states that he has no objection if the impugned FIR bearing C.R.No.360 of 2014 registered with Yerwada Police Station, Pune and all proceedings in pursuance thereto i.e., S.C.No.276/2015 pending on the file of the learned Sessions Court, Pune are quashed and set aside.

7 In these circumstances, we are of the view that if the case is tried and continued, it will have a negative impact on the minor daughter of the deceased Nikhita.

8 In above circumstances and in the light of the principles laid down by the Apex Court 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.

9 Accordingly, application is allowed in terms of prayer clause (a) subject to payment of cost of Rs.10,000/-. Cost to be paid to Kirtikar Law Library within a period of two weeks from today.

(K.R. SHRIRAM, J.)

(RANJIT MORE,J)