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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1270 OF 2015

Smt. Sharmila Shantaram Mhatre .. Applicant
V/s.
State of Maharashtra ..Respondent.

Mr. V.S. Kapse i/by Mr.K.J. Rane for the applicant.

Mr. Y.P. Rane i/by Mr. N.S. Rajeshirke for respondent no. 2.

Mr. K.V. Saste, A.P.P. For the State.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.
DATED : 9th DECEMBER, 2015**

P.C. :-

Heard the learned counsel for the respective parties.

2. The application is filed under the provisions of section 482 of the Code of Criminal Procedure for quashing the proceeding of F.I.R. being C.R. No. 151 of 2015 registered with Meghwadi Police Station, Mumbai at the instance of respondent no. 2 against the applicant for the offence punishable under section 406 of Indian Penal Code.

3. Pending investigation, the parties approached this Court for quashing the proceedings in the subject F.I.R. by consent since they have amicably settled their dispute. Respondent no.2 has

filed an affidavit dated 9th December, 2015. In paragraph no. 3 she has given no objection to quash and set aside the FIR. Respondent no. 2 is personally present before the Court. She is identified by her Advocate. On being questioned, respondent no.2 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 states that she is giving no objection for quashing the said proceedings out of free will and without there being any pressure or coercion.

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 criminal proceedings are required to be quashed.

5. The learned counsel for the applicant submits that under the

production panchanama dated 21st November, 2015 eight golden articles weighing about 161 grams were recovered from the applicant. He submits that these golden articles are belonging to respondent no. 2 and the applicant has no objection if the same is given to complainant respondent no.2. The counsel for respondent no.2 also states that the said articles belong to respondent no.2 and necessary direction be given to the concerned police station in that regard. In the light of the above submissions made by the respective counsel, we grant liberty to respondent no.2 to apply to the Investigating Officer of Meghwadi Police station who is investigating F.I.R. No. 151 of 2002, to return the said articles. In the event such application is preferred, the said Investigating Officer shall hand over the said gold articles to respondent no. 2.

6. Subject to above, Criminal application is made absolute in terms of prayer clause (a).

(V.L.ACHLIYA,J.)

(RANJIT MORE,J.)