

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1157 OF 2013

Mr. Ashutosh Vijay Labroo

...Applicant.

Versus

The State of Maharashtra & Anr.

..Respondents.

Ms. K.H.Rajani, advocate for applicant.

Mrs. M.M.Deshmukh, APP for the State.

Ms. Sharan Patole, advocate for respondent no.2.

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

Date : **2nd September, 2015.**

P. C. :

Heard learned counsel for the applicant, learned APP
for the State and the learned counsel for respondent no.2.

2 This application is filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing and setting aside the proceedings of the Criminal Case No.2412/SS/2011 pending on the file of the learned Metropolitan Magistrate, 34th Court, Vikroli, Bombay. The said case arises out of the registration of the F.I.R. bearing C.R.No.288 of 2011 with Vikroli police station at the instance of Respondent No.2-Mrs. Lavina Serro for the offences

punishable under Sections 354 and 509 of the Indian Penal Code, 1860.

3 Pending trial, parties have settled their disputes amicably and have approached this Court for quashing the proceedings of the subject criminal case. Respondent no.2 has filed affidavit. In paragraph 3 of it , she has given no objection to quash the proceedings of the subject criminal case.

4 Respondent No. 2 is personally present before the Court. On specific query made by us, she submitted that she has made the said affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the criminal proceedings in question initiated by her against the applicant for the offence punishable under sections 354 and 509 of the Indian Penal Code, 1860.

5 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 subject criminal proceedings.

6 Accordingly, application is allowed in terms of prayer clause (b). In the facts and circumstances of the case, we deem it fit to saddle the applicant with the cost of Rs.10,000/-, which shall be paid to the "**Tata Memorial Hospital**" an institution that takes care of the advanced and terminally ill cancer patients.

7 For the quashment to take effect, the applicant shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, application shall stand dismissed automatically without further reference to the Court and the order quashing the subject criminal proceedings shall be treated as *non-est*.

[R.G.KETKAR, J.]

[RANJIT MORE, J.]