

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 102 OF 2016

Raj Bhupat SoniApplicant
Versus
Anil Amrutlal Soni and 2 ors.Respondents

Mr. Ashish J. Dubey, advocate for the applicant.
Mr. R. R. Lanjekar, advocate for respondent No.1.
Mrs. S. D. Shinde, APP for the State.

CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.
DATE : 9th FEBRUARY, 2016.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The application is filed under the provisions of Section 482 of the Code of Criminal Procedure, 1973, for quashing the proceedings of the special case No. 239 of 2015 pending on the file of Special Court under Protections of Children from Sexual Offences Act, 2012 (for short "POCSO Act") at Dindoshi. The said case arises out of registration of FIR bearing C.R. No. 548 of 2015 with Dahisar Police Station, at the instance of respondent No.1, for the offence punishable under Section 363 of the Indian Penal Code, 1860 and Sections 8 and 12 of the POCSO Act.

3. Pending trial, the parties settled their dispute amicably and in pursuance of an understanding arrived at between them, they have

approached this Court for quashing the proceedings of the subject criminal case by consent. Respondent No.1- grandfather as well as the Ms. Urvashi -mother of the Victim – Hetavi have filed separate affidavits dated 9th February, 2016. In paragraph 4 therein, they have given their no objection to quash the proceedings of the subject criminal case. Respondent No.1 – grandfather and Ms.Urvashi-mother of the victim-Hetavi are present before the Court. They confirmed the contents of their respective affidavits. Both respondent No.1- grandfather and Ms. Urvashi – mother of the victim -Hetavi are personally present before the Court. On being questioned, they specifically stated that they have gone through their respective affidavits and have fully understood the contents thereof and have no objection, if the proceedings of the subject criminal case are quashed and set-aside.

4. We have gone through the charge-sheet and especially the statement of the victim-Hetavi. The statement reveals that the victim though minor had a love affair with the applicant and she had on her own accord accompanied the applicant. The statement discloses that there is no physical relationship between the parties even after the incident in question. The charge-sheet also reveals that the victim's mother is a divorcee and staying along with her father -respondent No.1. The family of the applicant and the family of the respondent No.1 are distant relatives and staying in the same locality. The father of the

applicant is also present before the Court. The grandfather and the mother of the victim – Hetavi as well as the applicant's father stated that the applicant is going to marry the victim – Hetavi on her attaining the age of majority. The statement is accepted.

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. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh vs. 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. Accordingly, the application is allowed in terms of prayer clause (a) and stands disposed of accordingly.

6. It is reported that the petitioner was arrested in the subject crime. He has also been directed to be released by the Special Court at Dindoshi. However, as of today, he has not availed bail. In these circumstances, we direct that the applicant be released forthwith since the subject case is quashed, if he is not required in any other case.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]