

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1170 OF 2015

Jitendra Navin Bhindora.

..Petitioner.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. Prasad Apte for the Petitioner.

Ms. Sneha Nirmal i/b Arun Nile for Respondent No. 2.

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

Coram : RANJIT MORE &
V. L. ACHLIYA, JJ.

Date : **January 14, 2016.**

P. C. :

1. Heard the learned Counsel appearing for the respective parties. By this writ petition, the Petitioner is seeking to quash the FIR registered against him with Borivali Police Station, being CR No.77 of 2014 dated 23rd February 2014. The said FIR is registered at the instance of Respondent No.2, wherein the allegations are concerning the commission of offences punishable under sections 294 and 354-D and 67 of the Information Technology Act, 2002.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation into above FIR with the help and intervention of friends and well-wishers, the parties have amicably settled their differences by way of mutual settlement

and pursuant to the understanding arrived at between them, the instant petition is filed for quashing the above FIR, by consent of original complainant Respondent No.2 herein.

3. Respondent No.2 has filed an affidavit dated 4th March 2015 wherein she has stated that all the issues and misunderstandings between herself and the Petitioner have been resolved mutually and amicably and she is not interested in continuing with the criminal prosecution of the Petitioner in the subject FIR lodged by her. She has solemnly affirmed that she is withdrawing all the allegations made against the Petitioner in the said FIR and that she has no objection for quashing the FIR in question.

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 subject FIR.

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 crime. 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 Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the FIR alive except ultimately burdening the Criminal Courts which are already overburdened. 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 subject FIR.

6. Accordingly, writ petition is made absolute in terms of prayer clause (a). In the facts and circumstances of the case, we find it would be appropriate to saddle the Petitioner with the cost of Rs.10,000/-, which shall be paid to "TATA Memorial Hospital" an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Petitioner 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, petition shall stand dismissed

automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*. Registry will then intimate the concerned Police Station and Magistrate that subject FIR or proceedings shall not be treated to have been quashed and that police / Magistrate shall proceed against the Petitioner in accordance with law.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]