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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1957 OF 2016

Johnpaul Sylvester D'lima

.. Petitioner

Vs.

1. State of Maharashtra and anr.

.. Respondents

Mr. Ashutosh Khandeparkar for petitioner.

Mr. D. P. Adsule, APP for State.

Mr. A. G. Revankar for respondent no.2.

CORAM: NARESH H. PATIL &
PRAKASH D. NAIK, JJ.

JULY 05, 2016.

P.C.

1. An offence came to be registered against the petitioner, on complaint filed by respondent no.2, vide FIR No. 125 of 2016 for offences punishable under Sections 452, 354(A, B, D), 506(2), 323 of the Indian Penal Code on 1/4/2016 at Mahim Police Station, Mumbai.

2. The complainant alleged that she was working with Saudi Airlines from 1994 to 2010. During that time, she came in contact with one Ms. Andria Hubert. They became friends. On 21/12/2014 at a Christmas

party hosted by one Ms. Nayana Paranjape on the terrace of her building, Andria introduced the petitioner to the complainant as her cousin. Thereafter, petitioner along with said Ms. Andria had come to the house of the complainant for Christmas party on 25/12/2014. It is further alleged that after the death of the complainant's mother, the petitioner along with Ms. Andria had come to the house of complainant. Ms. Andria and petitioner had visited house of complainant on few occasions. The petitioner and complainant got acquainted due to frequent meeting and exchanged their cell number. Both became friends and thereafter it is alleged that they fell in love with each other. It is alleged that petitioner started visiting house of complainant alone and occasionally started living with the complainant in her house. The complainant stated that they had physical relation during that time. Thereafter relation between the complainant and petitioner became strained. The complainant alleged that petitioner had abused her, threatened her with dire consequences and even assaulted her.

3. Affidavit dated 4/7/2016 is filed today. Both the learned counsel for the respective parties submit that the parties have settled misunderstanding prevailing between them. The complainant in the said

affidavit stated that she does not want to proceed with her complaint against the petitioner. In the affidavit, the complainant, in paras 2 and 3, stated as follows:-

“2. I say that I have read and understood the present Criminal writ petition which is served upon me by the Petitioner. I say that the dispute with regard to the FIR dated 1st April, 2016 bearing No. 125 of 2016 lodged with the Mahim Police station is amicably settled between me and the petitioner who is the Accused in the said FIR No. 125 of 2016. In view of the matter/dispute being amicably settled amongst me and the Petitioner, I have no grievance of whatsoever nature against the Accused / Petitioner and as such I do not intend to proceed with my Complaint against the Petitioner. I have also informed the Mahim Police station of my intention to withdraw my complaint and allegations against the petitioner with regard to the F.I.R. In view of our amicable settlement, the Petitioner has filed the present Criminal Writ Petition to quash the said F.I.R. with my consent.

3. I do hereby unconditionally consent for quashing of the FIR dated 1.4.2016 bearing No. 125 of 2016 lodged with Mahim Police Station against the Petitioner under Section 452, 354 (A,B,D), 506 (2), 323 of I.P.C.”

4. The petitioner and respondent no.2 are present in court. They are identified by their respective counsel. The counsel submit that in the present facts and circumstances, the complaint be quashed, which would help the petitioner and respondent no.2 to pursue their independent life and career without any stigma.

5. We have perused the record placed before us and considered the submissions advanced by both the parties. We find that the allegations made were of personal nature and the parties mutually decided to settle the matter. In the facts, request was made to this court by the complainant, by filing affidavit, to quash and set aside the complaint/FIR. We find it appropriate to allow the parties to settle the matter.

6. The F.I.R. bearing No. 125 of 2016 dated 1/4/2016 lodged by the respondent no.2 against the petitioner with the Mahim Police Station for offences punishable under Sections 452, 354(A, B, D), 506 (2), 323 of IPC is hereby quashed and set aside. Petition is allowed accordingly.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)