

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.4451 OF 2015

Mrs. Shwetal Ganesh Wadekar .. Petitioner

V/s.

The State of Maharashtra & Anr. .. Respondents

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Mr.Sandeep Dere, Advocate for the Petitioner.
Mrs. M.M. Deshmukh, APP for Respondent No.1 – State.
Mr. Pratap Patil, Advocate for Respondent No.2.

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**CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.**

DATED : JULY 11, 2016.

JUDGMENT (Per PRAKASH D. NAIK, J.) :

Rule. Rule is made returnable forthwith.

2 Learned APP waives service for Respondent – State.

3 The petitioner has preferred this petition challenging the proceedings arising out of the First Information Report (for short “FIR”) registered with Turbhe MIDC Police Station, Navi Mumbai vide C.R.No.253 of 2014. The offence was registered

under Section 354 of the Indian Penal Code (for short “IPC”) at the instance of the petitioner being the original complainant against the second respondent.

4 In the FIR, it is alleged that the petitioner/first informant was employed with a company namely Finopeti Limited, Shiravane as inventory executive. The accused was working as a manager in the said company. It is alleged that the accused used to harass the complainant and some time used to touch her inappropriately. The accused also threatened her that she should leave the employment. Hence, the first formant lodged the FIR on 11th October, 2014.

5 Police completed the investigation and filed charge-sheet before the Court of Judicial Magistrate First Class at Vashi, Navi Mumbai and the proceedings are pending in the said Court. Petitioner had contended that although she is the complainant, she does not want to pursue the proceedings and withdraw the criminal case. In the petition, it was stated that registration of the said complaint has caused embarrassment to her and there is disturbance in her matrimonial life. We have heard the learned advocate appearing for the petitioner as well as the learned

advocate appearing for respondent no.2 and the learned APP for respondent no.1 – State. We are not impressed by the averments made in the petition wherein withdrawal of the proceedings was sought by the petitioner on the basis of the grounds enumerated therein.

6 During the course of hearing, however, the petitioner and respondent no.2 has stated that they have amicably settled the dispute and in view of the said settlement, the petitioner has no objection for quashing the proceedings.

7 Petitioner and second respondent has filed a joint affidavit before this Court. The said affidavit is taken on record. In the said affidavit it is stated that both the parties have thought over the entire matter and repercussions thereof on future life of both. After considering the same, they have taken a conscious decision to settle the matter amicably and unconditionally. It is also stated that they will not proceed against each other in future by adopting any legal remedy or in any other manner whatsoever in connection with the present case. In view of the settlement, a joint request was made that the present criminal case arising out of C.R.No.253 of 2014 may be quashed.

8 We have perused the documents on record as well as the joint affidavit tendered by the parties. We have taken into consideration the fact that the parties have settled their dispute and the complainant is not interested in persuing the prosecution. In view of the settlement arrived at between both the parties, we are inclined to quash the criminal proceedings which are subject matter of this petition. Hence, we pass the following order:

:: ORDER ::

- (i) Rule is made absolute.
- (ii) Criminal proceedings pending in the Court of Judicial Magistrate First Class, Vashi, Navi Mumbai arising out of C.R.No.253 of 2014, registered with Turbhe MIDC Police Station, Navi Mumbai for the offence punishable under Section 354 of the Indian Penal Code are quashed and set aside.
- (iii) Parties to act upon an authenticated copy of this order.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)