

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1323 OF 2012

Tejashree Jagtap
Versus
State of Maharashtra

...Applicant

...Respondent

Mr. Viral K. Rathod, a/w Mr. H.E. Palwe, for the Applicant.
Mrs. M.H. Mhatre, for Respondent.

CORAM : A.S. OKA &
A.A. SAYED, JJ.
DATE : 28th June 2016

P.C. :

1 . Heard learned Counsel appearing for the Applicant and learned APP for the State. Perused earlier order dated 29th April 2016. Learned Counsel appearing for the Applicant pointed out that the Applicant herself is the 1st informant at whose instance the impugned First Information Report was registered for offences punishable under Sections 341, 342, 323, 504, 506 read with Section 34 of the Indian Penal Code against her own maternal uncle, mother and sister. He invited out attention to the averments made in the

Application. He pointed out that the averments made in the Application itself establish the settlement between the parties. We have heard learned APP for the Respondent. We are perused the statement of the Applicant on the basis of which impugned First Information Report was registered. The allegation made by the Applicant is that on 28th October 2008, the Accused No. 2 Ashok and her other maternal uncle Vijay visited her house, as they had brought a matrimonial alliance for the Applicant. The Applicant resisted as she had already chosen someone else. It is alleged that after noting the reaction of the Applicant, the Accused threatened the Applicant that she would not be permitted to go out of the house and if she attempts to leave the house, she would not be permitted to live. The case is that somehow on 12th November 2008, the Applicant managed to escape from the house and lodged First Information Report.

2. In the Application, the Applicant has disclosed that this action was done at the behest of one Sanjay Mhalas. She has stated at that time she was in love with the said Sanjay. Later on it was revealed that Sanjay was a divorcee and had cheated her. She has stated that the action of lodging First Information Report was a result

of her immaturity and due to her affair with said Sanjay. She has stated that she has realised her mistake and has accepted that her maternal uncle, mother and sister have suffered tremendous mental agony as a result of registration of the complaint. She stated that parties are going to bury their differences.

3. After having perused the allegations made in the First Information Report and the reasons disclosed by the Applicant for filing First Information Report, we are of the view that this is a fit case to exercise the power under Section 482 of Criminal Code Procedure, 1973, especially when the Applicant has settled all her disputes and differences with her own maternal uncle, mother and sister. The First Information Report is based on purely a private dispute. The alleged offence does not affect the society at large. Considering the close relationship between the Applicant and the Accused, continuation of criminal proceedings would cause undue harassment to all of them. Hence, the Application must succeed and we pass the following order.

- (i) Application is allowed in terms of prayer clause (A),
which read thus :-

“A. This Hon'ble Court be pleased to quash FIR dated

13/11/2008 bearing No. I-584/2008 and Charge-sheet bearing No. I-265/12 dated 6/8/2012 registered at Ambad Police Station District Nashik.”

4. All concerned to act upon an authenticated copy of this order.

[A.A. SAYED, J.]

[A.S. OKA, J.]