

IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL WRIT PETITION NO. 140 OF 2017.

Mr. Karan @ Akshay Govekar,
Jamlini, Muddir, Anjuna,
Bardez-Goa.

... Petitioner.

V/s

1. State of Goa,
Through Public Prosecutor,
High Court Complex,
Panaji-Goa.
2. Mrs. Kiran Jaisinghani Ray,
Wife of Mr. Ambarish Ray,
Aged 36 years,
R/o B1003, Palatial Heights,
Chandivali Farm Road,
Mumbai 72, Maharashtra.

... Respondents.

**Coram:-C. V. BHADANG &
PRITHVIRAJ K. CHAVAN,JJ.**

Date :- 21st September, 2017.

Shri E. Usapkar, Advocate for the petitioner.
Shri P. Faldessai, Addl. Public Prosecutor for the respondent no.1
Shri N. Govekar, Advocate for the respondent no.2.

JUDGMENT (Per C. V. BHADANG, J)

Rule, made returnable forthwith. Shri P. Faldessai, learned Addl. Public Prosecutor waives service on behalf of respondent no.1 and Shri N. Govekar, learned Counsel waives service on behalf of respondent no.2.

2. By this petition, under Article 226 of the Constitution of India read with Section 482 of the Criminal Procedure Code, the

petitioner is seeking quashing of proceedings in Criminal Case No.248/S/2014/B before learned JMFC, at Mapusa.

3. On the basis of the complaint lodged by Ms. Kiran Jaisinghani Ray at Anjuna Police Station, an offences punishable under Sections 354, 354-D, 509, 356 and 379 of IPC was registered against the petitioner. The petitioner is presently facing trial for the said offences before the learned JMFC, Mapusa.

4. It appears that after filing of the chargesheet, the parties have settled their dispute. Hence, the petitioner and the complainant filed a joint application before the learned Magistrate for permitting them to compound the offences. The learned Magistrate on 1.7.2017 permitted compounding of the offences punishable under Sections 509, 379 of IPC. Rest of the offences being non-compoundable were not permitted to be compounded. Hence, this petition.

5. The complainant has filed an affidavit dated 19.9.2017 which is taken on record and marked "X" for identification. Complainant has stated that she has amicably settled the dispute with the petitioner and has no objection for quashing the proceedings.

6. We have heard learned Counsel for the petitioner, learned Addl. Public Prosecutor for the respondent no.1 and learned Counsel

appearing for the second respondent.

7. The Hon'ble Apex Court in case of ***Gian Singh Vs State of Punjab and another, (2012) 10 SCC 303***, has inter alia held that in an appropriate case, having regard to the nature of the offence and other relevant considerations, this Court can exercise powers to bring an end to the prosecution in view of the settlement between the parties. In the present case, it was complained that the petitioner was stalking the complainant to foster personal interaction, although the complainant had shown clear disinterest. There are certain other allegations made about the petitioner having touched the complainant inappropriately.

8. Considering the nature of the allegations, we do not find that the offences involve any public law element. Thus, in view of the fact that the complainant has settled the dispute, the prosecution is liable to be quashed. Hence, the following order:-

ORDER

1. Petition is allowed.
2. Proceedings in Criminal case no.248/S/2014/B pending on the file of learned JMFC, Mapusa, are hereby quashed.
3. Rule is made absolute in the aforesaid terms.

PRITHVIRAJ K. CHAVAN,J.

C. V. BHADANG,J.

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