

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1099 OF 2017

Priyanka Vipul Jadhav and Another. ..Petitioners.
Versus
State of Maharashtra & Another. ..Respondents.

Mr. H. W. Kode for the Petitioner.
Ms. S. D. Shinde, APP for the State.
Mr. D. K. Dubey for Respondent No. 3.

Coram : RANJIT MORE &
SARANG V. KOTWAL, JJ.
Date : **June 28, 2017.**

P. C. :

1. At the outset, Mr. Kode, the learned Counsel appearing for the Petitioner makes a statement that this writ petition is restricted to quashing of FIR bearing CR. No. 1 of 2016 registered with Swargate Police Station, Pune and he may be granted liberty to file separate petitions for quashing FIRs bearing CR. No. 2 of 2016 and CR. No. 12 of 2016 [correct number is 82 of 2016], both registered with Swargate Police Station, Pune. In view of the statement, this writ petition is restricted to the relief of quashing in respect of FIR bearing CR. No. 1 of 2016 only and the Petitioner is granted liberty to file separate petitions for quashing FIRs bearing CR. No. 2 of 2016 and CR. No. 12 of 2016 [correct number is 82 of 2016], both registered with Swargate Police Station.

2. Heard the learned Counsel appearing for the Petitioner, the learned Counsel appearing for Respondent No.3 and the learned APP for the State. Petition is filed for quashing the FIR bearing CR No.1 of 2016 registered with Swargate Police Station for the offence punishable under sections 452, 323, 504, 506 and 342 read with 34 of the Indian Penal Code, 1860. The Applicants herein are arraigned as accused in the said FIR, which is registered at the instance of Respondent No.3 herein.

3. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation into the said FIR, with the help and intervention of family members, friends and well-wishers, the parties have amicably settled their differences by way of mutual settlement and in pursuance of the understanding arrived at between them, the present application is filed for quashing the above FIR by consent of Respondent No. 3.

4. Affidavit dated 6th June 2017 has been filed by Respondent No. 3 wherein he unconditionally withdrawn all the allegations made in the FIR against the Petitioners. He has further

stated that differences between the parties are settled. Respondent No.3 is personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the FIR in question initiated by him against the Petitioners.

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.

6. 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. In that view of the matter, FIR bearing CR. No. 1 of 2016 registered with Swargate Police Station is hereby quashed. Application stands disposed of.

[SARANG V. KOTWAL, J.]

[RANJIT MORE, J.]