

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

CRIMINAL WRIT PETITION NO.1187 OF 2017

Ashish Jitendra Malhotra

.... Petitioner

versus

The State of Maharashtra & Anr.

... Respondents

.....

- Mr.R.S. Rajput i/b. Advocate S.G. Rajput, Advocate for the Petitioner.
- Ms.Gunjan S. Kuhikar, Respondent No.2 in person.
- Mr.N.B. Patil, APP for the State/Respondent.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.
DATE : 11th JULY, 2017.**

P.C. :

1. Heard the learned counsel for the petitioner, respondent No.2 and learned APP.

2. The petition is filed under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973, for quashing and setting aside FIR bearing C.R.No.00/17, registered with Mahatma Phule Police

Station, Kalyan. The said FIR is registered against the petitioner at the instance of respondent No.2 for the offences punishable u/s 354, 354-D, 509 of the Indian Penal Code.

3. Pending investigation, the parties to the application have settled their dispute amicably and in pursuance of an understanding arrived at between them, have approached this Court for quashing the FIR by consent. The respondent No.2 has filed an affidavit dated 22/03/2017. In paragraph No.6, she has stated that she has no objection for quashing and setting aside the subject FIR. The respondent No.2 is personally present before the Court. On being questioned, she specifically stated that she has gone through the affidavit and has fully understood the contents thereof and has no objection, if the subject FIR is quashed and set aside. She also stated that she is giving no objection for quashing the subject FIR out of free will and without there being any pressure or coercion.

4. 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. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of *Narinder Singh vs. State of Punjab (2014 AIR SCW 2065)*, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

5. The Writ Petition stands disposed off as such.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)