

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1300 OF 2017**

Prateek Raj Mathur

..Petitioner

Vs.

The State of Maharashtra & Anr

..Respondents

Ms Trupti Bharadi for the Petitioner

Mr. Ashokvardhan Purohit for the Respondent No.2

Mr. F. R. Shaikh Addl PP for the Respondent State

**CORAM :R. M. SAVANT, &
SANDEEP K. SHINDE, JJ
DATE : 28th SEPTEMBER, 2017**

P.C.

- 1 Not on board. Mentioned for quashing of the FIR.
- 2 The above Writ Petition has been filed for quashing of the FIR lodged with the Gamdevi Police Station for offences punishable under Sections 354(D), 509, 504, 506 of Indian Penal Code and Sections 66(C), 67 of Information Technology Act. It seems that during the course of investigation Section 420 was also added. The offences which have been mentioned in the FIR are on the basis of the allegations made by the first informant i.e. the Respondent No.2 in the said FIR.
- 3 The Respondent No.2 has filed an affidavit dated 11-4-2017. In the context of the relief sought in the above Petition, paragraphs 1 and 2 of the said affidavit are material and are reproduced hereunder:

1 I say that the matter is amicably settled between me and the Petitioner and as such I do not proceed with the FIR bearing No.210 of 2016 lodged with Gamdevi Police Station against the Petitioner and the allegations made therein. I do hereby unconditionally withdraw the allegations made in the FIR No.210 of 2016.

2 This Hon'ble Court therefore be pleased to quash the FIR bearing No.210 of 2016.

4 The Respondent No.2 is also personally present in Court. She is identified by the Learned Counsel Mr. Purohit appearing for her. She is also identified by her Indian Passport bearing No.N4225407 issued on 28-10-2015 and expiring on 27-10-2025. When put in the box and queried she states that the affidavit annexed to the above Criminal Writ Petition is hers. She has understood the contents of the said affidavit and that she has signed the said affidavit of her own free will and volition. She further states that she does not want to prosecute the FIR and wants to move on in life. The Learned Counsel appearing for the Petitioner states that the Petitioner could not remain present before this Court as he is in Jodhpur.

5 Having regard to the affidavit filed by the first informant i.e. the Respondent No.2 herein, the same unequivocally points out that the Respondent No.2 is not desirous of proceeding with the FIR which is registered by her with the Gamdevi Police Station, Mumbai. Hence having regard to the judgments of the Apex Court in the matter of **Gian Singh Vs. State of Punjab**

& Anr.¹ and Narinder Singh & Ors. Vs. State of Punjab & Anr², there is no impediment in allowing the above Criminal Writ Petition. No useful purpose would be served in keeping the above Criminal Writ Petition pending, the above Criminal Writ Petition is accordingly allowed and made absolute in terms of prayer clause (c). The above Criminal Writ Petition is accordingly disposed of.

6 The Respondent No.2 has no objection if the passport of the Petitioner is returned to him in view of the FIR being quashed. The concerned Police are directed to return the passport to the Petitioner. The Petitioner to pay costs of Rs.10,000/- to be deposited with Maharashtra Legal Aid Fund within 6 weeks from date. Receipt to be obtained and filed in the Registry.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]

¹ (2012) 10 Supreme Court Cases 303

² 2014 AIR scw 2065