

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2184 OF 2017

Karishma Ashwini Yadav.

..Petitioner.

Versus

State of Maharashtra & Another.

..Respondents.

Ms. Tripti R. Shetty for the Petitioner.

Mr. M. H. Mhatre, APP for the State.

Mr. Sandip Sopan Karne, Respondent No. 2 in person.

Coram : RANJIT MORE &
SARANG V. KOTWAL, JJ.

Date : **July 3, 2017.**

P. C. :

1. Heard the learned Counsel appearing for the Petitioner, the learned APP for the State and Respondent No. 2 in person.

2. The petition is filed seeking quashment of the criminal proceeding bearing CC No. 1453/PS/2015 pending on the file of learned Metropolitan Magistrate, 12th Court, Bandra, Mumbai. The said case has arisen from the FIR bearing CR No. 22 of 2013 registered with Bandra Police Station for the offence punishable under sections 279 and 338 of the Indian Penal Code, 1860. The said FIR is registered against the Petitioner at the instance of Respondent No. 2 herein.

3. The learned Counsel appearing for the Petitioner

submitted that pending trial of the subject criminal case, with the help and intervention of friends and well-wishers, the parties have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present petition is filed for quashing the above criminal proceedings, by consent of Respondent No. 2.

3. Respondent No. 2 has filed an affidavit dated 7th June 2017 wherein he has stated that all the disputes between himself and the Petitioner have been settled amicably and therefore he does not want to prosecute the Petitioner in the subject criminal proceedings initiated at his instance. Further, he has given no objection for quashing the subject criminal proceedings.

4. Respondent No.2 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 criminal proceedings in question initiated by him against the Petitioner for the offence punishable under sections 279 and 338 of the Indian Penal Code, 1860.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of FIR, 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 subject criminal proceedings pending except 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 criminal proceedings. Accordingly, petition is made absolute in terms of prayer clause (a).

[SARANG V. KOTWAL, J.]

[RANJIT MORE, J.]