

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2918 OF 2017

Bandesh Revappa Koli.] ... Petitioner

Versus

1. State of Maharashtra,]
2. Ragini Shashikant Waghmare.] ... Respondents

Mr. Ritesh Thobde for Petitioner.

Mr. S. R. Shinde, APP for State.

Mr. P. P. Kulkarni for Respondent No.2.

CORAM :- RANJIT MORE &
SARANG V. KOTWAL, JJ.

DATE :- 03 AUGUST, 2017

P. C. :-

1. Heard the learned Advocate for petitioner, the learned Advocate for the respondent no.2 and the learned APP.

2. The petition is filed for quashing and setting aside the proceedings in Special Case No.336 of 2016 pending on the file of the learned Sessions Judge / Special Judge, Solapur. The said case arises out of registration of FIR bearing C.R.No.414 of 2016 registered at the instance of respondent no.2 with Vijapur Naka Police Station, Solapur, for the offences punishable under Sections 354D of the IPC and under

Section 12 of the POCSO Act. After the investigation was completed, charge-sheet was filed before the learned Magistrate. As the offence under the POCSO Act is triable by the Court of Sessions, the learned Magistrate committed the case to the Court of Sessions / Special Court for POCSO Cases, for trial.

3. The FIR discloses that the petitioner was the accused who was insisting that the respondent no.2 should accompany him on his motorcycle. The allegations of stalking are also seen from the FIR.

4. Pending trial, the respondent no.2 has become major and thereafter the parties settled their dispute amicably and in pursuance of the understanding arrived at between them, they have approached this Court for quashing and setting aside the subject FIR by consent.

5. The respondent no.2, accordingly, has filed an affidavit dated 03/08/2017. In para 7, she has given no objection for quashment of the subject FIR.

6. The respondent no.2 is personally present in the Court. On a specific query, she states that she has gone through the affidavit as well as the contents of the petition. In the above circumstances, she has no objection to quash the subject FIR. She has also stated that she has given no objection out of her free will and without any force or coercion.

7. 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*¹, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the criminal Courts which are already overburdened. However, at the same time, costs need to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

8. Accordingly, the petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.5,000/- (Rupees Five Thousand Only) to be deposited in the Kirtikar Law Library. The petitioner shall pay the said costs and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which the petition shall stand dismissed automatically without further reference to the Court.

9. Subject to above, the petition stands disposed off.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)

¹ 2014 AIR SCW 2065