

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.774 OF 2017

Rauf Abdul Kazi Abdul WajidApplicant
V/s.
The State of Maharashtra & Anr.Respondents

Mr. Amin Solkar, Advocate for Applicant.
Miss Sweta G. Bhandakkar, advocate for Respondent No.2.
Mr. J.P.Yagnik, APP for the Respondent-State.

**CORAM :- R.M. SAVANT &
SANDEEP K. SHINDE, JJ.**

DATE :- 10TH AUGUST, 2017.

RC. :-

The above criminal application has been filed for quashing the proceedings in Special Sessions Case No.54 of 2016 on the file of the District Court, Pune which has arisen out of C.R.No.320 of 2016 registered with Hadapsar Police Station, Pune against the applicant. In the said case, the applicant is charged with the offences punishable under Sections 376, 506(1) of the IPC and Sections 3,9,12 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and Section 66A of the Information Technology Act, 2000. The said FIR has arisen out of

relationship which the applicant was having with the respondent no.2 herein, i.e., the first informant and misunderstanding between the two. Respondent no.2, i.e, the first informant has filed an affidavit which is annexed to the above petition at Exhibit 'B', original of which is with the respondent no.2. The said affidavit has been affirmed before the Notary Public Shri Anand H. Jawalkar who is Notary of the Government of India, Pune. Affiant, ie., the respondent no.2 has been identified by Advocate Shri Sanjay Murlidhar Randhir. In the context of the reliefs sought in the above application, paragraphs 2 and 3 of the said affidavit are material and are re-produced hereunder:

“2 I say that it was a failed love affair. After my graduation in Engineering from Pune I was employed with a reputed bank which job I had to be give up by me due to this case. I say that after due efforts I could secure a good job sine November, 2016 due to which my parents have started looking out for a good marriage proposal from my caste so as to secure my future. I apprehend and have reasons to believe that the pendency of my above case would definitely come in the way of my marriage proposal as well as my present job and, therefore, intend to withdraw the above case filed

by me.

3 *I say that by this affidavit, as legally advised, I would like to request the Police Authorities to permit me to withdraw my above complaint registered with Hadapsar Police Station at C.R.No.320 of 2016 against Abdul Rauf Abdul Wajid Kazi as I do not wish to pursue it for the sake of my future.”*

2 The said affidavit, therefore, discloses that parties have amicably settled the disputes and that the respondent no.2, i.e, the first informant does not desire to proceed with the criminal proceedings. In the light of the judgment of the Apex Court in the **Madan Mohan Abbot v. State of Punjab (2008) 4 SCC 582**, no useful purpose would be served by keeping the aforesaid proceedings pending and would unnecessarily add to the docket which is already seriously burdened. Having regard to the judgment of the Apex Court in **Narinder Singh v. State of Punjab (2014) 6 SCC 466** and having regard to the fact that parties have amicably resolved their disputes, there is no impediment in quashing and setting aside the proceedings. The criminal application is accordingly required to be allowed and is allowed in terms of prayer clause (a).

The learned counsel for the applicant has tendered affidavit-cum-undertaking dated 10.8.2017 of the applicant, which we are of the view adequately protects the interest of the respondent no.2. The said

affidavit is taken on record and marked as '**X**' for **Identification**. Respondent No.2 who is personally present in the Court states that she is agreeable to the aforesaid order being passed.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)