

sat

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

WRIT PETITION NO. 3382 OF 2015

Yahya Batatawala & Ors.	...Petitioners
<i>Versus</i>	
The State of Maharashtra & Anr.	...Respondents

AND

WRIT PETITION NO. 3767 OF 2015

Ms.Rahela Batatawala & Anr.	...Petitioners
<i>Versus</i>	
The State of Maharashtra & Anr.	...Respondents

Ms.Vrishali R. Raje, for the Petitioners in both the petitions.
Ms.Seema Chopda, for Respondent No.2 in both the petitions.
Ms.S. V. Sonawane, APP, for Respondent-State in both the petitions.
Ms. Asma Batatawala, Respondent No.2 in both the petitions present in court.

**CORAM: M. S. SANKLECHA &
S.C. GUPTE, JJ.**

DATE : 7 APRIL 2017

P.C. :

Heard learned Counsel for the parties and learned APP for the State.

2 These petitions are filed under Article 226 of the Constitution of India read with the provisions of Section 482 of Criminal Procedure Code to quash and set aside FIR dated 3 August 2014 under the provisions

of Sections 354A and 509 read 34 of the Indian Penal Code, 1960 and C.R. No.216/2015 registered on 18 May 2015 with Nagpada Police Station under Section 341 read with 34 of the IPC.

3 Pending the investigation, the parties have settled their disputes amicably. The parties now apply for quashing of the complaints in pursuance of the understanding arrived at between them. Respondent No.2, at whose instance the complaints are filed, tenders affidavits dated 12 January 2017 in the two criminal petitions testifying *inter alia* to the amicable settlement between the parties and conveying her no objection to quash the impugned FIRs. Respondent No.2 is personally present before the court and confirms the averments made in the affidavits. She reiterates that she has no objection for quashing of the subject FIRs.

4 It can thus be seen that the matter has been amicably settled between the parties. From the perusal of the complaints, it is apparent that the allegations are totally personal in nature and do not involve any element of public law insofar as the alleged crime is concerned. The offences alleged cannot be said to have any impact on the society. In the premises and keeping in view the law laid down by the Supreme Court in the case of **Madan Mohan Abbot vs. State of Punjab**¹ as well as in the case of **Narinder Singh vs. State of Punjab**², we are of the considered view that no purpose would be served by keeping the criminal proceedings alive and that there is no impediment in quashing the subject FIRs.

1 2008 4 SCC 582

2 2014 AIR SCW 2065

5 Accordingly, both criminal writ petitions are allowed in terms of prayer clause (a).

(S.C. GUPTE, J.)

(M. S. SANKLECHA, J.)