

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.910 OF 2017**

Yusuf Gulabmohammad Shaikh ....Applicant  
V/s.  
The State of Maharashtra & Anr. ....Respondents

Ms. Hetal Patel i/by Mr. Subhash Hulyalkar, Advocates for Applicant.  
Mr. J.P.Yagnik, APP for the Respondent-State.  
Mr. A.L.Choudhary i/by Ms. Rachana K. Divekar, Advocates for  
Respondent No.2.

\*\*\*\*\*

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

**DATE :- 6TH SEPTEMBER, 2017.**

**PC. :-**

The above Criminal Application has been filed for quashing of the FIR No.73 of 2017 registered with the Faraskhana Police station, Pune for the offences punishable under Sections 406, 420, 376, 377, 506, 355, 499, 312 and 34 of IPC. The FIR has arisen out of the relationship between the Applicant and the Respondent No.2 and the opposition to the said relationship by the parents of the Petitioner No.5 as also the parents of the Respondent No.2, i.e., the First Informant. The parties have amicably resolved the dispute

Shivgan

as evidenced by the FIR. The Respondent No.2 herein i.e., the First Informant has filed her affidavit bearing today's date which is sworn before this Court. In the context of the reliefs sought in the above Application, paragraphs 3, 4 and 5 are material and are re-produced hereunder:

*“3 I say that due to intervention of the elders and common relatives matter came to be amicably settled amongst my family members and accused family members out of Court. Now I am engaged and my marriage is already fixed. I am trying to progress and settle my marital life without any past. Hence without any force and pressure, I, willingly want to withdraw the police complaint filed with Faraskhana Police Station, Pune, against the accused family members. I and/or my any of the family members, shall have no grievance against any of the applicants in the captioned matter any further, concerning FIR No.73 of 2017 registered with Faraskhana Police Station, Pune.*

*4 I am not desirous to drag the applicants in the criminal proceedings concerning instant FIR any further and thus, I am filing the present affidavit on my own wish/volition and without there being any force or coercion from any person of any nature whatsoever.*

*5 I say that in the circumstances, in the event this Hon'ble Court upon being satisfied allowed the prayers of the applicants as is sought in the captioned application and quashed and set aside all criminal proceeding against them*

*concerning FIR No.73 of 2017 to which I and/or my any of the family members have no objection.”*

2            Respondent No.2 is also personally present in the Court. She is identified by the learned counsel Shri A.L.Chaudhari holding for Shri Divekar. She is also identified by her Election Card bearing no.UXT7306012. When put in the box and queried, she states that affidavit tendered today bearing today's date is hers and that she has signed the said affidavit out of her own free will and volition and that contents of the affidavit are acceptable to her. Hence, the statement made by the Respondent No.2 when put in the witness box and the averments in her affidavit bearing today's date discloses that the parties have settled the matter as a result of which the Respondent No.2 does not desire to proceed with the FIR. In view of the judgment of the Apex Court in the case of **Narinder Singh v. State of Punjab** reported in (2014) 6 SCC 466, there is no impediment in quashing the proceedings though the offences alleged are non-compoundable. Dictum of the Supreme Court in **Gian Singh v. State of Punjab** reported in (2012) 10 SCC 303 would also lead to the same conclusion. No useful purpose would therefore be served by keeping the proceedings pending. The above

Criminal Application is allowed and made absolute in terms of prayer clause (a).

3           The Applicant to pay costs of Rs.10,000/- to be paid to the National Association of Blind, Worli within a period of four weeks from date and file receipt in the Registry.

**(SANDEEP K. SHINDE, J)**

**(R.M. SAVANT, J)**