

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1179 OF 2016

Pankaj Vijay Sawant.] ... Applicant

Versus

1. State of Maharashtra,]
2. Kum. Vaishnavi Suryakant Mondkar.] ... Respondents

Mr. S. G. Deshmukh i/b Mr. G. T. Kanchanpurkar for Applicant.

Mr. K. V. Saste, APP for State.

Mr. Sanket Deshpande for Respondent No.2.

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

DATE :- 12 JULY, 2017

P. C. :-

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

2. The Criminal Application is filed for quashing the FIR bearing number I-115/16 registered at the instance of the respondent no.2 with Vishnu Nagar Police Station, Dombivali, for the offences punishable under Sections 354(A)(1), 504 and 506 r/w 34 of the IPC, Section 67(B) of the Information Technology Act and Section 11(2) and 13(c) of POCSO Act.

3. Pending investigation, 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.

4. The respondent no.2 accordingly filed an affidavit-in-reply dated 12/07/2017. In para 12, she has stated that she does not wish to proceed further in the said FIR and oppose the present application.

5. The respondent no.2 as well as her mother are personally present in the Court. On specific query, the respondent no.2 states that she has gone through the 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.

6. The applicant, at the time of the incident, was of 26 years of age and the respondent no.2 was of 17 years age. Both are residing in the same area which resulted in developing love relationship between them. They accordingly decided to marry. However, horoscope of the parties did not match and the respondent no.2's mother opposed the marriage. The allegation made in the FIR appears to have been made as the marriage between the parties could not take place. In any case, the respondent no.2 today is major and she has given no objection.

7. That apart, the respondent no.2 has stated that she wanted to marry the applicant. The respondent no.2's mother has also no objection for this marriage. The applicant who is present in the Court also states that he is also willing to marry the respondent no.2. Both the applicant and the respondent no.2 assure that they will get married and therefore do not want to proceed further with the subject FIR.

8. 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.

9. Accordingly, the Criminal Application is allowed in terms of prayer clause (a).

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)

¹ 2014 AIR SCW 2065