

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 999 OF 2017

Priyanka Vipul Jadhav and Others. ..Applicants.
Versus
State of Maharashtra & Another. ..Respondents.

Mr. Pandit Kasar for the Applicants.
Mr. V. B. Konde-Deshmukh, APP for the State.
Mr. Dheeraj K. Dubay for Respondent No. 2.

Coram : RANJIT MORE &
PRAKASH D. NAIK, JJ.
Date : **October 3, 2017.**

P. C. :

1. Heard Mr. Kasar, the learned Counsel for the Applicant, Mr. Dubay, the learned Counsel for Respondent No.2 and Mr. Konde-Deshmukh, the learned APP for the State.
2. The application is filed for quashing the proceedings of FIR bearing CR. No. 82 of 2016 registered with Swargate Police Station at the instance of Respondent No.2 for the offence punishable under section 452 read with section 34 of the Indian Penal Code, 1860.
3. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation of above FIR, with the help and intervention of family members, friends and well-wishers, the parties have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between

them, have approached this Court invoking the jurisdiction of this Court under section 482 of the Code of Criminal Procedure, 1973 for quashing the subject FIR, by consent.

4. Respondent No.2 has accordingly filed an affidavit dated 28th September 2017. In paragraphs 3 and 4 he has stated that he has no objection for quashing the subject FIR in view of the amicable settlement of all issues.

5. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the subject FIR filed by him against the Applicants.

6. 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. There is no element of public law involved in the crime. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the subject FIR alive pending except ultimately burdening the Criminal

Courts which are already overburdened.

7. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the subject FIR. Accordingly, application is allowed in terms of prayer clause (a).

[PRAKASH D. NAIK, J.]

[RANJIT MORE, J.]