

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3888 OF 2017**

Mr. Riyaz Abdul Majid Goghari

..Petitioner

Vs.

Ankita Jaywant Kambli & Anr

..Respondents

Ms Afshan G. for the Petitioner

Ms Suvidha Patil i/b Patil Associates for the Respondent No.1

Mrs. M. H. Mhatre APP for the Respondent State

**CORAM :R. M. SAVANT, &
SANDEEP K. SHINDE, JJ
DATE : 28th SEPTEMBER, 2017**

P.C.

1 The above Criminal Writ Petition seeks quashing of the proceeding being C. C. No.109/PW/2014 pending on the file of Learned Metropolitan Magistrate, 9th Court, Bandra arising out of C. R. No.428 of 2013, registered with the Mahim Police Station for the offences punishable under Sections 354, 354(A)(i)(iii)(iv), 506 of the Indian Penal Code. The said FIR has been lodged by the Respondent No.1 herein who was working in the office of the Petitioner as a Graphic Designer. The allegations in the FIR are relating to the facts which attract the provisions of Section 354(A)(i)(iii)(iv). It is not necessary to further dilate on the facts as the parties have amicably settled the matter.

2 The first informant i.e. the Respondent No.1 has filed her affidavit dated 26-9-2017 and sworn before this Court. In the context of the relief

sought in the above Criminal Writ Petition, paragraphs 5, 6 and 7 of the said affidavit are material and are reproduced herein under :

5 I say that during the pendency of proceeding being C. C. No.109/PW/2014, due to intervention of the friends and relatives from both the sides I have decided to settle the whole dispute amicably.

6 I say that we have settled the matter amicably and I do not want to prosecute the applicant further and do not have any objection if the present proceeding is quashed.

7 I say that I have no objection if the reliefs claimed by the Applicants in the present Criminal Application is granted to them by this Hon'ble Court.

3 The Respondent No.1 is also personally present in Court. She is identified by the Learned Counsel Ms Patil appearing for her. She is also identified by her Adhar Card No.325440219487. When put in the box and queried she states that the affidavit tendered by the Learned Counsel Ms Patil is her's and that she has read the contents of the said affidavit and that they are acceptable to her. She further states that she does not want to proceed with the proceedings arising out of the FIR lodged by her.

4 In view of the affidavit filed by the first informant and considering the fact that the parties have amicably settled the matter. Hence though offences are non compoundable in nature, having regard to the aforesaid facts no useful purpose would be served by keeping the above proceedings pending. having regard to the judgments of the Apex Court in the matter of **Gian**

Singh Vs. State of Punjab & Anr.¹ and **Narinder Singh & Ors. Vs. State of Punjab & Anr²**, there is no impediment in allowing the above Criminal Writ Petition. The above Criminal Writ Petition is accordingly allowed and made absolute in terms of prayer clause (b). The above Criminal Writ Petition is accordingly disposed of.

5 Since the machinery of this Court is used by the Petitioner to settle the dispute arising out of the subject FIR, it would be just and proper to imposed costs of Rs.25,000/- on the Petitioner to be deposited with the Cancer Aid Society within 6 weeks from date. Receipt to be obtained and filed in the Registry.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]

¹ (2012) 10 Supreme Court Cases 303

² 2014 AIR scw 2065