

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL CRIMINAL APPLICATION NO. 1467 OF 2016

Neelam S. Vaidya	Applicant
versus	
The State of Maharashtra and ors.	Respondents

Mr. K. S. Patil, advocate for the applicant.
Mr. K. V. Saste, APP for the State.
Ms. Megha Bajoria, advocate for the respondent Nos. 2 to 5.

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

DATE : 22nd JUNE, 2017.

P. C. :

Heard Mr. Patil, learned counsel for the applicant, Ms. Bajoria, learned counsel for the respondent Nos. 2 to 5 and Mr. Saste, learned APP for the State.

2. The criminal application is filed seeking quashment of the FIR bearing CR No.I-110 of 2012 registered with the Vasai Police Station, Thane. The applicant has approached this Court for quashing the subject FIR through her guardian viz. her mother – Sunita Suhas Vaidya. The said FIR is registered at the instance of Mr.Vishal Sharad Kolekar against the applicant and one Raju Hasan Akram Ali Khan for the offences punishable under Sections 342 and 435 read with Section 34 of

the Indian Penal Code, 1860. So far as the accused – Raju Hasan Akram Ali Khan is concerned, the investigation into the subject FIR is completed and charge-sheet is also filed and investigation under Section 173(8) of the Code of Criminal Procedure, 1973, is in progress in respect of the said accused.

3 Mr. Patil, learned counsel, submitted that the applicant is a known case of Schizophrenia and, therefore, the instant criminal application is filed through her mother who is appointed as her guardian in exercise of powers under Section 54 of the Mental Health Act, 1987.

4. Pending investigation of the FIR, the applicant's mother compensated the victims and, in view of the settlement arrived at, approached this Court for quashing the subject FIR by consent. The original complainant/respondent No.2 and respondent Nos. 3 to 5 who are the aggrieved persons, have filed separate affidavits dated 22nd June, 2017. In their respective affidavits, they have stated that they have been adequately compensated by the applicant and, therefore, they have no objection for quashing of the proceedings of the subject FIR qua the applicant by consent. The respondent Nos. 2 to 5 are present before the Court. On being questioned, they specifically stated that they have gone through the application and affidavits and have understood the contents

thereof. They further confirmed that they have no objection for quashing the subject FIR.

5 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 [2014 AIR SCW 2065]**, we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

6. In the instant case, the applicant is a known case of schizophrenia and, the applicant's mother has adequately compensated the respondents and, as such, we are of the considered view that there shall be no impediment in quashing the subject FIR qua the applicant. The criminal application is, accordingly, allowed in terms of prayer clause (a) qua the applicant and is disposed off as such.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]