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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 245 OF 2018

Viraj Anand Ubale
Indian Inhabitant, Aged – 15years,
through his Legal Guardian/Father,
Anand Ubale
Residing at 510/5,
Riddhi Siddhi Apartments,
Papnas Wadi Lane,
Agast Kranti Marg,
Mumbai 400 036.

...Petitioner

Vs.

1. Swapna Pradeep Salunkhe
Indian inhabitant, Aged – 35 years,
residing at 807/8,
Riddhi Siddhi Apartments,
Papnas Wadi Lane,
Agast Kranti Marg,
Mumbai 400 036.

2. The State of Maharashtra
through the Senior Police Inspector
of Gamdevi Police Station, Mumbai

...Respondents

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Ms. Anandini Fernandes i/by Deepal A. Thakkar, Advocate for
the petitioner.

Mr. Rajesh R. Shah, Advocate for respondent No.1.

Mrs. G.P. Mulekar, A.P.P. - State.

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WITH

WRIT PETITION NO. 246 OF 2018

1. Pradeep Kashinath Salunkhe
Indian Inhabitant, Aged – 43 years,
residing at 807/8, Riddhi Siddhi Apartments,
Papnas Wadi Lane,
August Kranti Marg,
Mumbai 400 036.

2. Mrs. Swapna Pradeep Salunkhe
Indian Inhabitant, Aged – 35 years,
residing at 807/8, Riddhi Siddhi Apartments,
Papnas Wadi Lane,
August Kranti Marg,
Mumbai 400 036.

3. Dipak Prakash Patil
Indian Inhabitant, Aged – 33 years,
residing at 503/5, Riddhi Siddhi Apartments,
Papnas Wadi Lane,
August Kranti Marg,
Mumbai 400 036.

4. Suresh Ramchandra Panwalkar
Indian Inhabitant, Aged – 48 years,
residing at 810/8, Riddhi Siddhi Apartments,
Papnas Wadi Lane,
August Kranti Marg,
Mumbai 400 036.

...Petitioners

Vs.

1. Viraj Anand Ubale
Indian Inhabitant, Minor,
Aged – 15years, through his Legal
Guardian/Father Anand Ubale
Residing at 510/5,

Riddhi Siddhi Apartments,
Papnas Wadi Lane,
Agast Kranti Marg,
Mumbai 400 036.

2. The State of Maharashtra
(Through the Senior Police
Inspector of Gamdevi Police Station.

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Mr. Rajesh R. Shah, Advocate for the petitioners.

Ms. Anandini Fernandes i/by Deepal A. Thakkar, Advocate for
respondent No.1.

Mrs. G.P. Mulekar, A.P.P. - State.

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**CORAM : SMT. V.K. TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

DATE : 23rd JANUARY, 2018.

ORAL JUDGMENT (PER SMT. V.K. TAHILRAMANI, A.C.J.) :-

Rule. Rule is made returnable forthwith and the
matter is heard finally by consent of parties.

2. In Writ Petition No. 245 of 2018 the petitioner, who
is 15 years old, through his legal guardian is seeking quashing of
C.R.No. 226 of 2016 which is numbered as C.C.No.

256/JW/2017 pending before the Juvenile Justice Board, Dongari, Mumbai. The said case is under Sections 354(A) (1) and 509 of the Indian Penal Code and Section 12 of Protection of Children from Sexual Offences Act, 2012. In the said case Smt. Swapna Salunkhe, who is the mother of the victim girl, has lodged the said FIR wherein it is stated that the petitioner caught hold of the hand of her daughter in the lift and told her that he loves her.

3. In Writ Petition No. 246 of 2018, the petitioner No.1 is Pradeep Salunkhe who is the father of the victim girl in C.R.No.226 of 2016. Petitioner No.1 is the husband of petitioner No.2 Smt. Swapna Salunkhe who is the complainant in C.R.No. 226 of 2016. Petitioner No.3 and petitioner No.4 are the neighbours of Smt. Swapna Salunkhe. The petitioners in Writ Petition No. 246 of 2018 are seeking quashing of C.R.No. 225 of 2016 of Gamdevi Police Station, Mumbai. The said case is numbered as SCST Case No.6 of 2017 and it is pending before the Sessions Court, Mumbai. The said case is under

Sections 323, 504, 506 read with 34 of the Indian Penal Code and Sections 3(1) (r) and 3 (1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. This FIR has been lodged by the petitioner in Writ Petition No. 245 of 2018 against the petitioner Nos. 1 to 4 in Writ Petition No. 246 of 2018.

4. Heard learned Counsel for the petitioner in Writ Petition No. 245 of 2018, learned Counsel for the petitioners in Writ Petition No. 246 of 2018, learned Counsel for the complainant in both the matters and the learned APP for the State.

5. The accused persons in both the petitions are present before the Court. So also, the complainant in both the matters are present before the Court. Learned Counsel for the respondent/original complainant in both the petitions stated that the cases are cross cases and the matter has been amicably settled between the parties. They have stated that with the help of well wishers and common friends both parties have arrived at

an amicable settlement and have resolved all the disputes between them and they have stated that they do not wish to pursue their complaints and the complaints may be quashed.

6. Looking to the fact that the matter has been amicably settled between the parties and looking to the fact that the complainants in both the cases do not want to pursue the case, we are of the opinion that no purpose would be achieved by continuing with the prosecution in the said case. In this view of the matter, C.R.No. 226 of 2016 and C.R.No. 225 of 2016 and the proceedings relating thereto are quashed.

7. The Writ Petitions are disposed of in above terms.

8. Rule is made absolute in above terms.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)