

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 88 OF 2017**

Sumedh Sanjay Padave

..Applicant

Vs.

The State of Maharashtra & Anr

..Respondents

Mr. S. R. Gaud for the Applicant

Ms Gayatri Shahane for the Respondent No.2

Mrs. A. S. Pai Addl PP for the Respondent State

CORAM :R. M. SAVANT, &

REVATI MOHITE DERE,JJ

DATE : 26th JULY, 2018

P.C.

1 The above Application has been filed for quashing of the proceedings being CC No.1014/PW/2014 arising out of FIR bearing C. R. No.72 of 2014, for the offences punishable under Sections 354(D), 509, 323 of the IPC and Sections 67 and 66A of the Information Technology Act. The said FIR is on account of certain posts put up on the Facebook allegedly by the Applicant herein in respect of the first informant i.e. the Respondent No.2 herein. It is not necessary to dilate further on facts.

2 The Respondent No.2 herein i.e. the first informant has filed an affidavit bearing today's date i.e. 26-7-2018, affirmed in this Court. In the context of the relief sought in the above Application, paragraph 7 of the said affidavit is material and is reproduced hereinunder:

7. I say that I am giving my free consent for quashing of above referred criminal proceeding with my conscious mind, free will and without any sort of pressure, coercion, fraud applied on me by any person(s). Furthermore I am also aware about the effect of the present affidavit-in-reply more specifically the criminal proceeding bearing its CC No.1014/PW/2014, pending before 69th Court of Ld. Metropolitan Magistrate at Mazgaon (Sewri), Mumbai may get quashed and the above-named Applicant may get discharged from such criminal proceeding for which I am recording my free consent.

3 The Respondent No.2 Ms Shraddha Shridhar Jadhav is personally present in Court. She is identified by the Learned Counsel Ms Gayatri Shahane. She is also identified by her Adhar Card bearing No.630160053306. When put in the box and queried, she states that she has read and understood the contents of her affidavit. She further states that in view of the settlement between the parties she does not desire to proceed with the case in question. She lastly states that she has filed the said affidavit of her own free will and volition.

4 The Applicant Sumedh Padave is personally present in Court. He is identified by the Learned Counsel Mr. Gaud. He is also identified by his Adhar Card bearing No.663838136408. When put in the box and queried he accepts the factum of settlement having taken place between the parties.

5 Having regard to the affidavit filed by the Respondent No.2, the

statements made by the Respondent No.2 and the Applicant when put in the box and queried, the same indicate that the parties have settled their dispute as a result of which the Respondent No.2 does not desire to proceed with the case in question. Having regard to the judgments of the Apex Court in the matter of **Gian Singh V/s State of Punjab & Anr¹** and **Narinder Singh & ors v/s. State of Punjab & Anr²**, no useful purpose would be served in keeping the proceedings in question pending. The above Criminal Application is required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (b), resultantly the charge sheet would stand quashed and set aside. The above Criminal Application is accordingly disposed of.

6 The Applicant to deposit costs of Rs.5,000/- with the State Legal Aid Fund within 6 weeks from date. Receipt to be obtained and filed in the registry.

7 The Learned Counsel Ms Gayatri Shahane undertakes to file vakalatnama on behalf of the Respondent No.2 during the course of the present week. Undertaking accepted.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

¹ (2012) 10 SCC 303

² 2014 AIR SCW 2065