

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.276 OF 2018

Nilesh Sudhakar Parulekar Applicant

Vs.

The State of Maharashtra & Anr. Respondents

Mr. Gautam T. Kanchanpurkar for the Applicant.
Mrs. A.S. Pai, Additional PP for the State.
Mr. A.J. Kandarkar for Respondent no.2

Coram : R.M. Savant AND
Sarang V. Kotwal, JJ
Date : 17th April, 2018

P.C.

1 The above application has been filed for quashing of the F.I.R. bearing No.11 of 2018, registered with the Palghar Police Station, for the offences punishable under Sections 354-A and 354-B of the Indian Penal Code.

2 It is not necessary to dilate further on facts in view of the fact that the Respondent no.2 i.e. the first informant has

filed an affidavit dated 12th February 2018, which has been affirmed in the Court of the learned Civil Judge, Palghar. In the context of the relief sought in the above application, paragraph 3 of the said affidavit is material and is reproduced hereinunder :

“3. I say that when I learnt about the report, I approached the officer and requested him that I have not supplied such information what is stated in the report. I say that the dispute between myself and the applicant has now resolved amicably. I say that since the dispute between myself and the applicant has been resolved, I do not want to proceed with criminal prosecution bearing against the applicant. I, therefore say that I have **NO OBJECTION** if this Hon'ble Court quashed and set aside said Crime bearing First Information Report No.11/2018 dated 18/01/2018 registered with the Palghar Police Station.”

3 The Respondent no.2,Riya Munna Yadav is personally present in Court. She is identified by the learned counsel, Mr. Kandarkar. She is also identified by her Adhar Card bearing No. 5931 4210 7747. When put in the box and queried, she states that she has been readover and explained the contents

of her affidavit dated 12th February 2018. She further states that she has understood the contents of the said affidavit and that she has signed the same of her own free will and volition. She identifies the signature on the affidavit as her own. She further states that in view of the settlement arrived at between her and the Applicant, she does not desire to proceed with the F.I.R. in question.

4 The Applicant–Nilesh Sudhakar Parulekar is also personally present in Court. He is identified by the learned counsel, Shri. Kanchanpurkar. He is also identified by his Adhar Card bearing No. 3173 0230 7500. When put in the box and queried, he accepts the factum of the settlement arrived at between him and the Respondent no.2. Hence, having regard to the affidavit filed by the Respondent no.2 and the Applicant, when put in the box and queried, the same lead to a conclusion that the parties have settled the dispute, as a result of which the Respondent no.2 does not desire to proceed with the F.I.R. in question.

5 Having regard to the judgments of the Apex Court in the matter of Gian Singh V/s State of Punjab & Anr. reported in (2012) 10 SCC 303 and Narinder Singh & Ors. Vs. State of Punjab & Anr., reported in (2014) AIR SCW, 2065 no useful purpose would be served in keeping the proceedings pending. The application is accordingly required to be allowed and is accordingly allowed in terms of prayer clause (a).

6 The Applicant to deposit costs of Rs.20,000/- with the TATA Memorial Centre, Parel within six weeks from date. Receipt to be obtained and filed in the Registry.

(Sarang V. Kotwal, J.)

(R.M. Savant, J.)