

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 554 OF 2018**

Dr. Abraham Mathai

..Applicant

Vs.

The State of Maharashtra & Anr

..Respondents

Mr. Madhur Rai i/b PRS Legal for the Applicant

Mr. Sanjiv Punalekar for the Respondent No.2

Mrs. P. P. Shinde APP for the Respondent State

CORAM :R. M. SAVANT, &

REVATI MOHITE DERE,JJ

DATE : 20th JUNE, 2018

PC.

1 The above Application has been filed for quashing of the proceeding being CC No.SW/39/2016 arising out of FIR No.129 of 2013 registered with the Versova Police Station, Mumbai on 18-4-2013 for the offences punishable under Section 507, 509 of the IPC and Section 67 of Information Technology Act 2001. The cause for registering the FIR has been stated therein. It is not necessary to dilate further on facts. The parties have arrived at a settlement which was reduced into writing by way of Consent Terms dated 6-3-2018, which was filed in Criminal Revision Application No.194 of 2016 which arose out of an order passed in the aforesaid proceedings. The said Consent Terms provided for the withdrawal of the cases filed by the respective parties and in so far as the Respondent No.2 is

concerned, it would be the proceeding which has been referred to in the earlier part of the instant order.

2 The Respondent No.2 has also filed affidavit dated 8-6-2018 and affirmed before the notary public Divya S. Sanghvi, Notary Government of India, Greater Mumbai, on 8-6-2018 and bears notarial registration No.634. The said affidavit has also been affirmed in this court on the same day i.e. 8-6-2018.

3 The Respondent No.2 Archana Damohe is personally present in court. She is identified by the Learned Counsel Mr. Punalekar. She is also identified by her Adhar Card bearing No.736389030148. When put in the box and queried she accepts the factum of the affidavit filed by her which is tendered across the bar by her Learned Counsel Mr. Punalkar. She further states that she has read and understood the contents of the said affidavit and that she does not desire to proceed with the case in question in view of the settlement arrived at between the parties. She lastly states that she has filed the said affidavit of her own free will and volition.

4 The Petitioner Dr. Abraham Mathai is also personally present in Court. He is identified by the Learned Counsel Mr. Rai. He is also identified by his Pan Card bearing No.AAUPM3655M. When put in the box and queried

he accepts the factum of settlement between him and the Respondent No.2 as a result of which the Respondent No.2 does not desire to proceed with the case in question.

5 Having regard to the Consent Terms dated 6-3-2018 filed in the Sessions Court, affidavit filed by the Respondent No.2, statements made by the Respondent No.2 and the Petitioner when put in the box and queried, the same lead to a conclusion 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 (a), resultantly the charge sheet would stand quashed and set aside. The above Criminal Application is accordingly disposed of.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

1 (2012) 10 SCC 303

2 2014 AIR SCW 2065