

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 581 OF 2017**

Chandrakant Laxman Padir

..Applicant

Vs.

The State of Maharashtra & Anr

..Respondents

Mr. Subir Sarkar for the Applicant

Mr. Tejas Hilage for the Respondent No.2

Mr. V. B. KondeDeshmukh Addl PP for the Respondent State

**CORAM :R. M. SAVANT, &
REVATI MOHITE DERE,JJ
DATE : 15th JUNE, 2018**

P.C.

1 The above Application has been filed for quashing and setting aside of the proceedings being RCC No.168 of 2015 pending on the file of the Learned JMFC, Murbad. The said proceedings have arising out of C. R. No.3 of 2015 registered with the Tokawade Police Station, Thane on 15-7-2015 for the offences punishable under Section 354 of the IPC.

2 The allegations against the Petitioner herein are as appearing in the said FIR. It is not necessary to further delve into the facts. The first informant i.e. the Respondent No.2 Nanda Bharat Ughda has filed an Affidavit dated 15-6-2018 affirmed before Mrs. Aliya Pathan, Advocate and Notary, Government of India, bearing notarial registration No.30295 dated 15-6-2018.

Paragraph 6 of the said affidavit assumes importance in the context of the relief sought by the Petitioner in the above Petition. The said paragraph 6 is reproduced hereinunder:

6. I say that I am filing this affidavit on my own free will and therefore I give my complete consent to the prayers made by the present Applicant in their aforementioned application for quashing of the C. R. No.37/2015 dated 15/07/2015 registered at Tokawade Police Station, Mumbai for offences punishable u/s 354 without any force or coercion.

3 The Respondent No.2 Nanda Bharat Ughda is personally present in court. She is identified by the Learned Counsel Mr. Tejas Hilage. She is identified by her Adhar Card bearing No.465524638114. When put in the box and queried she states that she is aware of the affidavit which is tendered today by the Learned Counsel. She states that she has understood the contents of the said affidavit. She further states that she does not desire to proceed with the proceedings in question. She lastly states that she has filed the affidavit of her own free will and volition.

4 The Petitioner Chandrakant Padir is personally present in Court. He is identified by the Learned Counsel Mr. Sarkar. He is also identified by his Adhar Card bearing No.976804762196. He accepts the factum of settlement arrived at between the parties as a result of which the Respondent No.2 does not desire to proceed with the case in question.

5 Having regard to the allegations made against the Petitioner, we had directed the Learned Counsel for the Petitioner to file the affidavit of the Petitioner expressing remorse and regret for the incident which has happened and assuring this Court that he would not indulge in such activity in future. Accordingly the affidavit has been filed by the Petitioner bearing today's date i.e. 15-6-2018 and sworn before the notary Mrs. Aliya Pathan. In paragraph 3 of the said affidavit the Petitioner has expressed remorse and regret and his assurance that he would not indulge in such activity in future. We are satisfied with the said affidavit.

6 In the light of the affidavit filed by the Respondent No.2, the statements made by the Respondent No.2 and the Petitioner 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 FIR in question. We are also satisfied by the affidavit filed by the Petitioner today in court expressing remorse and regret. Having regard to the judgments of the Apex Court in the matter of **Gian Singh V/s State of Punjab & Anr**¹ and **Narinder Singh & ors v/s. State of Punjab & Anr**², 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

1 (2012) 10 SCC 303

2 2014 AIR SCW 2065

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]