

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2830 OF 2018

Mr. Ness Nusli Wadia.

..Petitioner.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. A. H. Ponda I/b Ashish Raghuwanshi for the Petitioner.

Ms. Sangita Shinde, APP for the Respondent-State.

Mr. Hitesh Jain, Neha Prashant and Ms. Shraddha Achaliya I/b Juris Corp for the Respondent No.2.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **October 10, 2018.**

P. C. :

1. Heard the learned counsel for the Petitioner, learned APP for the Respondent-State and the learned counsel for Respondent No. 2.

2. The petition is filed seeking to quash and set aside the proceedings of criminal case bearing CC No.139/PW/2018 pending on the file of learned Additional Chief Metropolitan Magistrate, 8th Court, Esplanade, Mumbai. The said case is an offshoot of the FIR registered with Marin Drive Police Station bearing CR. No. 70 of 2014 for the offence punishable under sections 354, 504, 506 and 509 of the Indian Penal Code, 1860 at the instance of Respondent No. 2.

3. The learned Counsel appearing for the respective parties submitted that during the pendency of above criminal proceedings, with the help and intervention of friends and well-wishers, the parties

have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present application petition is filed for quashing the above criminal proceedings, by consent of Respondent No. 2. Respondent No. 2 has accordingly filed an affidavit dated 1st August 2018 wherein she has given no objection to quash the subject criminal proceeding. Both the Petitioner and Respondent No. 2 are personally present in the Court. On specific query, they stated that they have gone through the petition and affidavit and have understood the contents thereof.

4. Respondent No.2 submitted that since the dispute between herself and the Petitioner is settled and they want to move in life, she does not want to proceed further with the case and therefore she has no objection to quash the proceeding of the subject criminal case. On specific query made by us, she submitted that she has made the said affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the subject criminal proceedings against the Petitioner.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the crime. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the

subject FIR alive /..... criminal proceedings pending except ultimately burdening the Criminal Courts which are already overburdened.

6. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the subject criminal proceedings. Accordingly, petition is allowed in terms of prayer clause (a).

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]