

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO. 894 OF 2018**

Vishal Rashmikant Boghani. ..Applicant.

Versus

State of Maharashtra & Another. ..Respondents.

Mr. Hrishikesh Mundargi I/b Hardik Vyas for the Applicant.

Mr. Deepak Thakare, PP for the Respondent-State.

Mr. Swapnil R. Chopde for Respondent No. 2.

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

Date : **October 29, 2018.**

P. C. :

1. Heard. The application is filed seeking to quash and set aside the proceedings of Case No. PW/0000902 of 2017 pending on the file of learned Metropolitan Magistrate, 37<sup>th</sup> Court, Esplanade, Mumbai. The said case has arisen out of an FIR bearing CR. No. 268 of 2015 registered with Cyber Police Station, BKC, Mumbai at the instance of Respondent No.2 for the offence punishable under sections 419 of the Indian Penal Code, 1860 and sections 66C, 66D and 66 of the Information and Technology Act, 2008.

2. Pending trial, parties settled their disputes amicably and in pursuance of understanding arrived at between them have approached this Court for quashing the above proceedings by consent of Respondent No. 2.

3. Respondent No.2 has accordingly filed an affidavit dated 19<sup>th</sup> October 2018. In paragraph 5 she has given no objection to quash the proceedings of subject criminal case. Respondent No.2 is personally present before the Court. 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 initiated by her against the Applicant.

4. 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 criminal proceedings pending except ultimately burdening the Criminal Courts which are already overburdened.

5. In the light of 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, application is allowed in terms of prayer

clause (a). The facts and circumstances of the case, we find it would be appropriate to saddle the Applicant with the cost of Rs.10,000/-, which shall be paid **“Yashodhan Charitable Trust”, Satara** [having Registration No. 1895/Satara, Maharashtra], an institution that takes care of the mentally retarded and elderly people in the downtrodden society. For the quashment to take effect, the Applicant shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, application shall stand dismissed automatically without further reference to the Court and order quashing the proceedings shall be treated as *non-est*. [Yashodhan Charitable Trust. Account No.: 60245873355 and IFSC Code: MAHB0000305].

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]