

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 1019 OF 2018

Miss Rekha Suryakant Bankar

D/o. Suryakant Bankar

.. Applicant

Vs.

1. Ms. Priya Rane

D/o. Shri Santosh Rane & Anr.

.. Respondents

Ms.Tuba Taiseen Qureshi I/b Rajender Singh Saluja for applicant.

Mr.Ajay Dubey for respondent No.1.

Mr.K.V. Saste, APP for State.

CORAM : RANJIT MORE &

BHARATI HARISH DANGRE, JJ.

DATE : 12TH OCTOBER 2018

P.C.

1 Heard the learned counsel for the applicant, the learned counsel appearing for respondent no.1 and the learned APP for the State.

2 Application is filed for quashing and setting aside the FIR bearing No. 194/2015 and Criminal Case bearing No.905/PW/2016 pending on the file of the learned Additional Chief Metropolitan Magistrate, 37th Court at Esplanade, Mumbai.

3 The said case arises out of the FIR registered by the Cyber Cell Police Station bearing CR No.194/2015 dated 29th October 2015 at the instance of Respondent No.1 for an offence punishable under Sections 500 and 419 of Indian Penal Code, 1860 and under Section 66C of the Information

Technology Act, 2000.

4 The learned counsel appearing for the respective parties submitted that during the pendency of the FIR and the criminal proceedings, parties have amicably resolved their disputes and tendered consent terms dated 12th October 2018. The consent terms signed by the applicant, respondent No.1 and their respective advocates, is taken on record. In view of the consent terms arrived at between them, the present application is filed for quashing and setting aside the FIR and the criminal proceedings.

5 Respondent No.1 has also filed a consent Affidavit affirmed on 14th August 2018. In Paragraph 5 of the affidavit, respondent No.1 has given her no objection for quashing the FIR and the criminal case pending before this Court. Respondent No.1 is present in Court and on a specific query of the Court, she submitted that he has gone through the consent terms as well as the affidavit etc. and she has understood the contents thereof. Respondent No.1 has also stated that she had made the affidavit in favour of applicant willingly and voluntarily without any force, coercion or fraud.

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*

Punjab¹, we are of the considered view that there is no impediment in quashing the subject FIR as well as the criminal case.

7 Application is accordingly allowed in terms of prayer clauses (a) and accordingly disposed.

(SMT.BHARATI H.DANGRE, J.)

(RANJIT MORE, J.)

1 2014 AIR SCW 2065