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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1024 OF 2017

Mrs. Divya Baghela ..Applicant.

V/s.

The State of Maharashtra & Ors. ..Respondents.

Mr.A.N.Pathan for the Petitioner.

Mrs.Anamika Malhotra, APP for Respondent No.1-State.

Mr.Sagar J.Ruparel for Respondent No.2.

***CORAM: R.M.SAVANT AND
NITIN W.SAMBRE, JJ.***

DATE : FEBRUARY 2, 2018

PC.:-

The first informant i.e. the Applicant has filed the above application for quashing of the F.I.R. No.226/2017 registered with the Oshiwara Police Station, Mumbai for offences punishable under sections 509, 506 (II) read with 34 of the Indian Penal Code.

2. The allegations, as contained in the F.I.R., are the

alleged threats given by Respondent Nos. 2 and 3 to the Applicant which constitutes the ingredients of offences punishable under section 509, 506(II) read with 34 of the Indian Penal Code. The parties have entered into consent terms bearing today's date i.e. February 2, 2018 which evidences the settlement arrived at between the parties. In the context of the present application, clauses 1(a) and (g) of the consent terms are material and are reproduced hereinunder:-

“1. That the party of the first part and the party of the second part have mutually agreed to settle all their differences amongst the following other terms and conditions.

a. That the party of the First part does not wish to pursue the case filed by her against the party of the Second part vide C.R. No.226 of 2017 with Oshiwara Police Station for offences punishable under Section 509, 506(II), 34 of the Indian Penal Code has no objection if the case is quashed by the Honourable High court and the party of the second part is acquitted.

(g) That the party of the Second part shall co-operate with the party of First part if at all the party of the First part approaches the Honourable High court for quashing of the case

filed by the party of the first part.”

3. The consent terms also contains other terms and conditions which are not necessary to be referred to, in the context of the present application. The consent terms, therefore, indicates that the parties have amicably resolved their dispute as a result of which the first informant, who is the Applicant in the above application, does not desire to proceed with the F.I.R. The above application also contains averments to the said effect, more especially in paragraph 6 thereof. The Applicant Mrs.Divya Baghela is personally present in the Court, she is identified by her counsel Mr.Abdulkarim Nawabkhan Pathan and she is also identified by her Pan Card bearing No.AOSPG 2191C. When put in the witness box and queried, she states that she has understood the averments in the above application as well as the consent terms which are tendered by the learned counsel. She further states that she has signed the consent terms of her own free will and volition.

4. The Respondent No.2 Sudhish Kumar is personally present in the Court and is identified by the learned counsel

Mr.Sagar Ruparel, he is also identified by his Aadhar Card bearing No.6157 6980 9290.

5. When put in the box and queried, he states that he has read and understood the consent terms and that they are acceptable to him and that he has signed the consent terms out of his own free will and volition. The Respondent No.3 Navjot Gulati is also personally present in the Court and is identified by the learned counsel Mr.Sagar Ruparel, he is also identified by his Pan Card bearing No.AOSPG7628C. When put in the box and queried, he states that he has read and understood the consent terms and that they are acceptable to him and that he has signed the consent terms out of his own free will and volition. In the light of the averments in the above application, the consent terms and the statements made by the Applicant and Respondent Nos.2 and 3 when put in the box, it is clear that the parties have amicably settled the dispute as a result of which the Applicant, who is the first informant, does not desire to proceed with the F.I.R.

6. In the light of the judgments of the Apex Court in the

matter of *Gian Singh V/s. State of Punjab*¹ and *Narinder Singh & Ors. V/s. State of Punjab & Anr.*², there is now no impediment in allowing the above Criminal Application. No useful purpose would be served in keeping the proceedings pending. The above Criminal Application is accordingly allowed and made absolute in terms of prayer clause (c). In the facts and circumstances of the case, wherein the parties have utilised the machinery of this Court, the Applicant and the Respondent Nos.2 and 3 shall deposit costs of Rs.10,000/- each totalling – Rs.30,000/-, with the National Association for Blind, Worli, Mumbai within a period of three weeks from date. Receipts to be obtained and filed in the Registry.

(NITIN W.SAMBRE, J.)

(R.M.SAVANT, J.)

1 (2012) 10 Supreme Court Cases 303

2 2014 AIR SCW 2065