

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1084 OF 2018

Ravindrakumar Goyal.

..Applicant.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. K. S. Patil I/b P. M. Patil for the Applicant.

Ms. S. D. Shinde, APP for the Respondent-State.

Mr. Ranjit Patil for Respondent No. 2.

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

Date : **September 27, 2018.**

P. C. :

1. At the outset, learned counsel for the Applicant seeks leave to amend the prayer clause of the application so as to give particulars of the criminal proceeding. Leave granted. Necessary amendment be carried out forthwith.
2. Heard learned counsel for the Applicant, learned counsel for Respondent No.2 and learned APP for the Respondent-State.
3. By this application filed under section 482 of the Code of Criminal Procedure, 1908, the Applicant is seeking to quash and set aside the proceedings of Regular Criminal Case No. 525 of 2018 pending on the file of JMFC, Cantonment Court, Pune. The said case

has arisen out of registration of FIR bearing CR No. 66 of 2018 with Mundhava Police Station, Pune for the offence punishable under sections 354(A) and 354(B) of the Indian Penal Code, 1860. The said FIR is registered at the instance of Respondent No.2.

4. 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, parties have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present application is filed for quashing the above criminal proceedings, by consent of Respondent No.2 – the original complainant.

5. Respondent No.2 has filed an affidavit dated 27th September 2018. In paragraph 3 of the said affidavit, she has stated that she does not have any objection if the subject case is quashed and set aside. She has further stated that she does not want to pursue the said complaint against the Applicant.

6. 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.

7. Applicant is present before the Court. He at his own has shown willingness to pay an amount of Rs.2 lakhs as and by way of cost and as a mark of repentance.

8. 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. 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.

9. 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.

10. In the light of above, application is allowed in terms of prayer clause (a), however subject to cost of Rs. 2 lakhs, which shall be paid to Maharogi Sewa Samiti, Warora at post Anandwan within five weeks from today. For the quashment to take effect, the Applicant shall pay the said cost and produce receipt thereof on the file of this

Court within the period of five 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*.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]