

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1175 OF 2017

Ankit Prakash AgarwalApplicant
V/s.
The State of Maharashtra & Anr.Respondents

Mr. A.R.Maurya i/by Mr. Rahul Dangle, Advocates for Applicant.
Mr. K.V.Saste, APP for the Respondent-State.
Mr. S.K.Tiwari i/by Archana U. Suple, Advocates for Respondent No.2.

**CORAM :- R.M.SAVANT &
SANDEEP K. SHINDE, JJ.**

DATE :- 13TH FEBRUARY, 2018.

RC. :-

The above Criminal Application has been filed for quashing of the FIR in C.R.No.683 of 2017 registered with Juhu Police Station for the offences punishable under Sections 354 and 323 of the IPC. The First Informant, i.e., the Respondent No.2 herein has filed an affidavit dated 20.11.2017. In the context of the reliefs sought in the above Criminal Application, paragraphs 3 to 5 of the said affidavit are material and are re-produced hereunder:

“3 I say that in the light of the aforesaid I have settled the dispute with the present Applicant and I am not desirous of continuing the prosecution in C.R.No.683 of

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2017 registered with Juhu Police Station against the present Applicant.

4 *I say that it is mutually agreed between me and the present Applicant to amicably settle the dispute in respect of C.R.No.683 of 2017 registered with Juhu Police Station.*

5 *I say that I hereby agree that the above Criminal Application be disposed of in view of amicable settlement arrived at between myself and the present Applicant and that this Hon'ble Court be pleased to quash and set aside the proceedings originating from C.R.No.683 of 2017 registered with Juhu Police Station.”*

2 The Respondent No.2, i.e., the First Informant is also personally present in Court. She is identified by the learned counsel Mr. S.K.Tiwari holding for Advocate Ms. Archana Uday Suple. She is also identified by her PAN Card bearing No.FENPS8728P. When put in the box and queried, she states that she has read and understood the affidavit dated 20.11.2017 which is tendered by the learned counsel in the Court today. She states that she has filed the said affidavit of her own free will and volition. The Petitioner No.1-Ankit Prakash Agarwal is also personally present in the Court. He is identified by Mr. A.R.Mourya holding for Mr. Rahul Dangle. He is also identified by his Pass-port bearing No.J5621920 issued on 2.3.2011 and expiring on 1.3.2021. When put in the box

and queried, he states that there is settlement between him and the Respondent No.2 as a consequence of which the Respondent No.2 does not desire to proceed with the FIR. Hence, affidavit of the Respondent No.2 and the statements made by the Respondent No.2 and the Applicant when put in the box unequivocally indicate that the parties have settled their disputes as a consequence of which the Respondent No.2 does not desire to proceed with her FIR.

3 In view of the judgment of the Apex Court in the case of **Narinder Singh v. State of Punjab** reported in (2014) 6 SCC 466, there is no impediment in quashing the proceedings though the offences alleged are non-compoundable. Dictum of the Supreme Court in **Gian Singh v. State of Punjab** reported in (2012) 10 SCC 303 would also lead to the same conclusion. No useful purpose would be served in continuing with the investigation. The FIR is accordingly quashed and set aside.

4 The Application is made absolute in terms of prayer clause (a). In the facts and circumstances of the case, where the machinery of this Court is utilised for settlement of their dispute, the Applicant No.1 to deposit the costs of Rs.20,000/- with the Maharashtra Legal Aid Fund within six weeks from date. Respondent No.2 also to deposit the costs of Rs.5,000/- to be

deposited with the Maharashtra Legal Aid Fund within six weeks from date. Receipts to be obtained and filed in the Registry.

(SANDEEP K. SHINDE, J.)

(R.M.SAVANT, J.)