

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICITON

WRIT PETITION NO. 1103 OF 2019

Bharti Deepak Raikar.

..Petitioner.

Versus

The Senior Inspector of Police and Others.

..Respondents.

Mr. Sandeep Bali for the Petitioner.

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

Mr. Akshay Bafna I/b Sameer N. Khan for Respondent No. 2.

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

Date : **April 2, 2019.**

P. C. :

1. At the outset, the learned counsel for the Petitioner seeks leave to amend the petition so as to give details of the criminal proceedings. Leave granted. Necessary amendment be carried out forthwith.

2. Heard the learned counsel for the Petitioner, the learned counsel for Respondent No. 2 and learned APP for the Respondent-State. By this petition filed under Article 226 of the Constitution of India, the Petitioner is seeking to quash and set aside the proceedings of criminal case bearing CC. No. 516/PW/2018 pending on the file of learned Metropolitan Magistrate, 29th Court, Bhoiwada, Mumbai. The said proceedings is the outcome of FIR bearing No. 264 of 2016 registered with Bhoiwada Police Station at the instance of Respondent

No. 2 in connection with the commission of the offence punishable under sections 454, 457 and 380 of the Indian Penal Code, 1860.

3. Applicant is the daughter of Respondent No.2. The learned Counsel appearing for the respective parties submitted that during the pendency of above criminal proceedings, with the help and intervention of family members, friends and well-wishers, the parties amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present petition is filed for quashing the above criminal proceedings, by consent of Respondent No. 2.

4. Respondent No.2 has filed an affidavit dated 21st February 2019. In paragraph 4 of the said affidavit, she has stated that she has no objection to quash the proceedings of the subject case, wherein her daughter is being prosecuted.

5. 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 FIR /criminal proceedings initiated by her against the Applicant.

6. 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.

7. 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 Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the subject criminal proceedings. Accordingly, petition is allowed in terms of prayer clause (a). There shall be no order as to cost.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]