

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 444 OF 2019

Ashwini Ajay Prajapati.

..Applicant.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. V. R. Rahod i/b Akshay Patel for the Petitioner.

Ms. Gauri R. Raghuvanshi for the Respondent no. 2.

Mr. A. D. Kamkhedkar, APP for the Respondent-State.

Coram : RANJIT MORE &
N. J. JAMADAR, JJ.

Date : **September 3, 2019.**

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. The complainant herself has approached this Court seeking to quash and set aside the proceedings of criminal case bearing RCC No.739 of 2017 pending on the file of 8th JMFC at Thane. The said proceeding is an offshoot of FIR bearing CR No.789 of 2018 registered with Kashimira Police Station, Mumbai for the offence punishable under sections 354D and 506 of the

Indian Penal Code, 1860.

3. Learned counsel appearing for the respective parties submitted that pending trial of the aforesaid proceeding, the parties, namely, complainant and accused, have settled their disputes and in pursuance of the understanding arrived at between them, now the complainant herself has approached this Court for quashing the proceedings of subject criminal case. The complainant-Applicant is present before the Court. She confirmed that she has filed present application for quashing the proceedings against the Applicant as the dispute between herself and accused is settled inasmuch as they have decided to get married to each other. The complainant is personally present before the Court. On specific query made by us, she submitted that she has filed the present application seeking to quash the proceedings of the case instituted at her instance. She affirmed that she does not wish to prosecute the Applicant any more. She then prayed to allow this application and to quash the proceedings of subject criminal case.

4. 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.

5. 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, application is allowed in terms of prayer clause (A).

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]