

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2025 OF 2019

Akshay Ramesh Bojja. ..Petitioner.
Versus
State of Maharashtra & Another. ..Respondents.

Mr. J. B. Mishra for the Petitioner.
Mrs. A.S. pai, APP for the Respondent-State.
Mr. A. R. Mishra for Respondent No. 2.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.
Date : **June 17, 2019.**

P. C. :

1. Heard the learned counsel for the Petitioner, the learned counsel for Respondent No. 2 and the learned APP for the Respondent-State.
2. By this petition filed under Article 226 of Constitution of India 226 read with section 482 of the Code of Criminal Procedure, 1973, the Petitioner is seekin gto quash the proceedings of criminal case bearing CC. No.6210905/PS/2018 pending on the file of the learned Metropolitan Magistrate, Bhoiwada, Dadar, Mumbai. The said case is an offshoot of FIR bearing CR. No. 237 of 2012 registered at Worli Police Station at the instance of Respondent No. 2 herein, wherein the principal allegations levelled against the Petitioner is with regard to commission of for the offence punishable under sections 354D, 323 and 504 of the Indian Penal Code, 1860.

3. 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 11th June 2019. In paragraph 3 of the said affidavit, she has given no objection to quash the proceedings of the subject criminal case against the Petitioners. Apart from, the aggrieved person namely, the brother of Respondent No. 2 too has filed an affidavit. He also has given his no objection to quash the subject criminal proceedings against the Petitioner.

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 Petitioner.

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. 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. In that view of the matter, petition is made absolute in terms of prayer clause **(a)**. In the facts and circumstances of the case, we find it would be appropriate to saddle the Petitioner with the cost of **Rs.15,000/-**, which shall be paid to “**Tata Memorial Hospital**” an institution that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Petitioner shall pay the said cost and produce the receipt thereof on the file of this Court within the period of four weeks from today. Failing to pay cost and produce receipt within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]