

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 2406 OF 2019

Manish Omprakash Pandey

...Petitioner

Vs.

The State of Maharashtra
And Ors.

...Respondents

Mr. Anand Mishra for the Petitioner.

Ms. Sangita Shinde, APP for Respondent – State.

Mr. Akash A. Singh for Respondent No. 2.

**CORAM : SHRI. RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 25th JUNE 2019

P.C.:

1. Heard the learned Counsel appearing for the Petitioner, the learned Counsel appearing for the Respondent No. 2 and the learned APP for the Respondent – State. Petition is filed for quashing and setting aside the FIR bearing CR No. 156 of 2019 registered with Nigadi Police Station, Pimpari Chinchwad, Pune for the offences punishable under Sections 354, 354(D) and 341 of the Indian Penal Code at the instance of Respondent No. 2.

2. The learned Counsel appearing for the respective parties submitted that during the pendency of investigation, 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 Writ Petition is filed for quashing the above FIR by consent of Respondent No. 2.

3. Respondent No. 2 has filed an duly affirmed affidavit dated 25.06.2019. In paragraph no. 3 of the said affidavit, Respondent No. 2 has stated that she has no objection to quash and set aside the subject FIR.

4. Respondent No. 2 is personally present before the Court. Respondent No. 2 has stated that she is giving consent to quash FIR as the petitioner has tendered an apology to her. On specific query made by us, Respondent No. 2 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 initiated by her against the Petitioner.

5. It can, thus, be seen that the matter has been amicably settled between the parties. Perusal of the complaint, makes it clear 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 **B.S.Joshi versus State of Haryana AIR 2003 SC 1386**, we are of the view that quashing of the FIR would be in the interest of Respondent No.2. Besides, no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already

overburdened. In that view of the matter and in the interests of justice we quash and set aside the FIR bearing CR No. 156 of 2019 registered with Nigadi Police Station, Pimpri Chinchwad, Pune for the offences punishable under Sections 354, 354(D) and 341 of the Indian Penal Code is required to be quashed. The Writ Petition is, accordingly, made absolute in terms of prayer clause (a) and is disposed of as such.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J)