

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3609 OF 2019

Mr. Aaradhya B. Maheshwari .. Petitioner

Vs

The State of Maharashtra & Ors. .. Respondents

...

Mr. N. S. Mundargi i/b Mr. Ramesh Tripathi for the petitioner.

Mr. K.V. Saste, APP for the State.

Mr. Subodh Desai i/b Mr. K.S. Garg for Respondent No.3.

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

DATED : 17th JULY 2019.

P.C:-

1. Heard Mr. Mundargi, learned counsel for the petitioner, learned counsel for respondent No.3 and learned APP for the State.

2. This petition is filed for quashing and setting aside FIR bearing C.R. No.58 of 2019 registered at the instance of respondent no.3 with Malabar Hill Police Station, Mumbai for

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offences punishable under Sections 354D, 500 of the IPC read with Section 67 of the Information Technology Act.

3. Pending investigation, parties have settled their dispute amicably and they have no objection for quashing the subject FIR by consent. Respondent no.3 has accordingly filed an affidavit dated 16th July 2019. In paragraph No.4, she has stated that she is scheduled to get married in November, 2019 and she intends to move ahead in life. She has decided to forgive the petitioner as he has tendered unconditional apology and has undertaken that he will not repeat such act in future. In paragraph No.6, she has given her no objection to quash the subject FIR. Respondent No.3 is personally present in the Court.

4. The petitioner is also present in the court along with his father. In paragraph No.7 of the petition, the petitioner has made the following statement, which is duly affirmed by him:

“7. The Petitioner tenders his undertaking before the Hon'ble court to not repeat any such acts in the future which may be derogatory in nature to the Respondent No.3, including but not limited to the acts forming subject matter of the said F.I.R.”

5. The said statement in form of undertaking is accepted. The petitioner, who is present in the court, also assures this Court that he would not repeat the incidence in respect of which the subject FIR is

registered, in future.

6. The Hon'ble Apex Court in the case of ***Narinder Singh vs. State of Punjab***¹ has observed thus :-

“14. As to under what circumstances the criminal proceedings in a non-compoundable case be quashed when there is a settlement between the parties, the Court provided the following guidelines :

“Where the High Court quashes a criminal proceedings having regard to the facts that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the Court.”

7. In the light of the aforesaid observations, we have noted that the two rival parties have amicably settled the dispute between them and buried the hatchet, and since the petitioner has given an undertaking before this Court not to indulge in

1 [2014 AIRSCW 2065]

any such derogatory activities in future, we are of the opinion that the FIR is liable to be quashed in exercise of our inherent powers to secure the ends of justice.

8. In the backdrop of above facts and circumstances and especially in view of law laid down by the Apex Court in the case of **Narinder Singh** (supra), we find that 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, the criminal proceedings are required to be quashed. At the same time, we are inclined to impose costs on the petitioner as a pre-condition for quashing the FIR. However, the petitioner being a student and, in case costs are imposed, it would be paid by his parents and that would not have any deterrent effect on the petitioner and, therefore, we suggested learned counsel for the petitioner whether the petitioner is willing to do social service. Mr. Mundargi, learned counsel for the petitioner, on instructions from the petitioner and his father, makes a statement that the petitioner is ready and willing to join the expedition and offer his services in the venture of cleaning the Versova Beach every Saturday and Sunday for a month.

9. Accordingly, the writ petition is allowed and the subject FIR being C.R. No.58 of 2019 is quashed and set aside subject to the following :-

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(a) The petitioner shall undertake the social services viz. cleaning of the Versova Beach every Saturday and Sunday for a period of one month i.e. in the month of August, 2019.

(b) Adv. Afroz Shah, the Head of the Versova Beach Cleaning Team shall verify and ascertain whether the petitioner has undertaken the social services of cleaning the Versova Beach and certify to that effect to the Investigating Officer of the subject crime. The Investigating Officer shall, in turn, file a Report to this Court to that effect.

10. Subject to the above, Criminal Writ Petition stands disposed of.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)