

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1152 OF 2019

Neha Mote and others. ..Applicants.
Versus
State of Maharashtra & Others. ..Respondents.

Mrs. Rama Iyer i/b A. J. Rizvi for the Applicant.
Mr. F. R. Shaikh, APP for the Respondent-State.
Mr. Rajendra Anbhule for Respondent No. 2.

Coram : RANJIT MORE &
N. J. JAMADAR, JJ.
Date : **September 9, 2019.**

P. C. :

1. Heard. By this application filed under section 482 of the Code of Criminal Procedure, 1973, the Applicants are seeking to quash the proceedings of FIR bearing CR.No. 303 of 2016 registered against them with Kurar Police Station, Mumbai at the instance of Respondent No.2 herein for the offences punishable under section 419 of the Indian Penal Code, 1860 and sections 66C and 66D of the Information Technology Act, 2015.
2. Applicant No.1 and Respondent No.2 got married on 19th October 2014, however, soon their marital relations went sour and their marriage is dissolved by a decree of divorce.
3. Learned Counsel appearing for the respective parties submitted that during the pendency of investigation into the

aforesaid FIR, with the help and intervention of family members, friends and well-wishers, the parties have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, present application is filed for quashing the above FIR, by consent of Respondent No.2.

4. Respondent No.2 has filed an affidavit dated 6th September 2019. Along with the said affidavit, he has annexed decree of divorce granted by the Family Court at Bandra, Mumbai in Petition No.A-486 of 2016. By this decree made under section 13-B of the Hindu Marriage Act, 1955, the marriage between Applicant no.1 and Respondent No.2 is dissolved. Respondent No.2 has stated that in the light of settlement arrived between the Applicants and himself he has no objection to quash the subject FIR registered at his instance.

5. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that she has no objection for quashing the subject FIR initiated by him against the Applicants.

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 FIR alive except ultimately burdening the Criminal Courts which are already overburdened.

7. In the light of 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 FIR. Accordingly, application is allowed in terms of prayer clause (a). In the facts and circumstances of the case, we find it would be appropriate to saddle the Applicants with the cost of Rs.10,000/-, which shall be paid to “Yashodhan Charitable Trust”, Satara [having Registration No. 1895/Satara, Maharashtra], an institution that takes care of mentally retarded and elderly people in the downtrodden society. For the quashment to take effect,

the Applicants 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, the application shall stand dismissed automatically without further reference to the Court and order quashing the proceedings/FIR shall be treated as *non-est*. [Yashodan Charitable Trust: Account No.: 60245873355 IFSC Code : MAHB0000305].

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]