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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.39 OF 2021

Ratnadeep Sawant @ Bunty]
Age : 38, Occ : Service,]
having address at Ramapati Sharma]
Chawl, Jawahar Nagar, Khar (East),]
Mumbai – 400051.] **.. Applicant**

VERSUS

1. **The State of Maharashtra**]
(Through the Office of Public]
Prosecutor)]
2. **The Senior Inspector of Police,**]
Nirmal Nagar Police Station, Mumbai]
3. **Neelam Pravin Shah**]
Age : 20, Occ : Student,]
having address at S.S.Bhatt Chawl,]
Room No.4, J.P.Road, Jain Mandir,]
Khar (E), Mumbai – 400051]
And]
Presently residing at Talukdar Chawl,]
Saibaba Road, Jawahar Nagar,]
Opp. Ashoka Restaurant, Khar (East),]
Mumbai - 400051] **.. Respondents**

Mr.Govind Prajapati for the Applicant.
Mr.J.PYagnik, APP for the Respondent/State.
Mr.Kanhaiya S. Yadav for Respondent No.3.

**CORAM : S.S.SHINDE &
MANISH PITALE, JJ.**

RESERVED ON : 04th FEBRUARY, 2021
PRONOUNCED ON : 15th FEBRUARY, 2021

JUDGMENT (PER MANISH PITALE, J.)

1. The applicant herein has approached this Court with a prayer for quashing of FIR registered against him at the behest of respondent No.3 (original informant) for the offences punishable under Sections 354(3), 500 and 506 of the Indian Penal Code. According to respondent No.3, the applicant used to follow her and show her photographs clicked on his mobile and he used to call her on her mobile phone, leading to harassment. She also alleged that the applicant sent messages on mobile, which demonstrate the ingredients of the said offences.

2. The applicant filed the present application and stated that the matter had been resolved between him and respondent No.3 and that they had arrived at amicable settlement, as a consequence of which, respondent No.3 was ready to co-operate for quashing of the said FIR. Alongwith the application, the applicant has also filed an undertaking on affidavit stating that he had realised his mistake when his family and the family of respondent No.3 discussed the matter. The applicant claims to have apologized to respondent No.3, who decided to pardon him. In the undertaking, it is stated that the applicant would never contact respondent No.3 in future and that he would never approach her, even on social media.

3. Respondent No.3 appeared before this Court. She was identified by her advocate. Respondent No.3 placed her affidavit before this Court stating that the matter had been settled with the applicant due to the intervention of the family friends and society members. On this basis, she states that she did not wish to pursue

the matter further and that the present application be allowed so that the aforesaid FIR could be quashed. It is stated in the affidavit that she has executed the same on her own free will and without coercion from any person.

4. The applicant and respondent No.3 were present in Court before us. We interacted with respondent No.3 and she reiterated the statements made in her affidavit and stated that the FIR could be quashed.

5. Although the allegations leading to registration of the FIR appear to indicate that the applicant had indulged in some activities that had caused harassment to respondent No.3, but in view of the affidavit filed by respondent No.3 and her statement made before this Court by remaining personally present, it becomes clear that the proceedings that may be undertaken in pursuance of the said FIR, would be of no consequence, as respondent No.3 will not support the allegations.

6. The Hon'ble Supreme Court in the case of **Gian Singh v. State of Punjab and Another**¹ has held that, the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High

¹ 2012 (10) SCC 303

Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. It has also held that inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court.

7. In view of the above, it becomes clear that the present application needs to be allowed in the interest of justice, although we make it clear that the applicant will have to abide by the undertaking given to this Court, which is annexed to the present application. He shall abide by all the statements made therein, so that respondent No.3 is not put to any harassment, at his instance in future.

8. In view of the above, the application is allowed in terms of prayer clause (a), which reads as under :

“a. That this Hon’ble Court be pleased to quash the F.I.R.No.393 of 2020 registered under section 354(3), 500, 506 of I.P.C., pending before the NIRMAL NAGAR police station.”

9. We make it clear that if there is any breach of the aforesaid undertaking filed by the applicant before this Court, the present order will stand recalled.

(MANISH PITALE, J.)

(S.S.SHINDE, J.)