

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

WRIT PETITION NO. 1264 OF 2021

Yogesh Mahadev Bhagat

...Petitioner

Versus

The State of Maharashtra & Ors

...Respondents

- Mr. Hemant Ghadigaonkar for the Petitioner.
- Mr. K.V. Saste, APP, for the Respondent – State.
- Mr. Sandesh More for Respondent No. 2.
- Mr. Yogesh Bhagat, Petitioner is present.
- Mr. Vijay Shinde, Respondent No. 2 is present.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : MARCH 11, 2022.

PER COURT :

1. Heard learned Counsel appearing for respective parties.

2. The Petitioner had approached this Court for seeking quashment of the first information report bearing Crime No. 56/2020 registered with Vita Police Station, Sangali for the offence punishable under Section 363 of IPC. The Counsel the submits that during the pendency of the Petition the investigation agency by completing the exercise of investigation filed

charge-sheet. Learned Counsel then submits that post lodgment of the report, marriage between the Petitioner and daughter of Respondent No. 2 is solemnized and the couple was subsequently blessed with a child. The Counsel, thus, firstly prayed for amendment to the Petition by placing on record the copy of the charge-sheet as well as incorporating the consequential prayer for quashment of proceedings.

3. The oral prayer for amendment is allowed. The amendment to be carried out during the course of day.

4. The Counsel for Petitioner submits that the Respondent No.2 has filed affidavit in this Court.

5. Perusal of the said affidavit show that it is stated by Respondent No. 2 that the complaint lodged at his instance was out of mistake. It is further stated in the affidavit that the marriage between the Petitioner and his daughter was solemnized. As per the copy of the invitation card which is placed on record at Exhibit 'b', page 10, would reveal that the marriage between the Petitioner and daughter of Respondent No. 2 was solemnized on 24.08.2020 at a place namely, Shriram

Mandir, Nirmal Nagar, Khar, Mumbai. It is further submitted that the Petitioner and daughter of Respondent No. 2 are now residing happily with each other and are blessed with a child. It is further submitted before this Court that considering this relevant facts and the Petitioner and Respondent No. 2 arrived at mutual settlement and decided to pray for quashment of the report as well as the proceedings.

6. It can, thus, be seen that the matter has been amicably settled between the parties. There is no element of public law involved in the crime. The offence alleged cannot be said to have any impact on the society. It seems that the offence came to be registered out of misunderstanding and differences between the parties, which have been now put to rest.

7. As per the petitioner, the parties have settled the matter, as they have decided to keep harmony between them to enable them to live with peace and love. The compromise records that they have no grudge against each other and the complainant has specifically agreed that he has no objection if the FIR in question is quashed. Further, both the parties have

undertaken not to indulge in any litigation against each other and withdraw all the complaints pending between the parties before the court. As they do not intend to proceed with any criminal case against each other, on that basis the submission of the petitioner before the High Court was that the continuance of the criminal proceedings in the aforesaid FIR/proceeding will be a futile exercise and mere wastage of precious time of the court as well as investigating agencies.

8. 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 criminal proceedings pending, except burdening the Criminal Courts which are already overburdened. We are of the view that in the backdrop of the aforestated fact-situation, the continuation of proceedings in the instant case will amount to abuse of the process of Court and therefore, it is in the fitness of things to quash the subject criminal proceeding in order to secure the ends of justice. We are in agreement with the submission of the learned

Counsel appearing for the respective parties that continuation of criminal proceedings in the instant case 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.

9. 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 criminal proceeding in question.

10. Accordingly, Writ Petition is allowed in terms of amended prayer clause 'B'.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)