

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1290 OF 2022

Pranay Sanjay Yadav.

...Petitioner.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. Pravin Dabade and Mr. Balkrishna Nanavare for the Petitioner.

Mr. Ganesh Patil for Respondent No. 2.

Mr. J. P. yagnik, APP for the Respondent-State.

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

Date : April 29, 2022.

P. C. :

1. The Petitioner has approached this Court by invoking the jurisdiction of this Court under Article 226 of the Constitution of India as well as under section 482 of the Code of Criminal Procedure, 1973 seeking to quash the proceedings of Regular Criminal Case No.3065 of 2018 pending on the file of Judicial Magistrate, First Class, Pune which has arisen from the registration of first information report (FIR) bearing CR No.159 of 2018 at Wakad Police Station, Pune. The allegations levelled against the Petitioner in the said FIR, which is registered at the instance of Respondent No.2 herein, are with regard to commission of offence punishable under sections 354(A)

(D), 509, 341 and 506 of the Indian Penal Code, 1860.

2. Learned Counsel appearing for the respective parties submitted that pending trial of above criminal proceeding, with the help and intervention of friends, relatives and well-wishers, the parties have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, the instant petition is filed for quashing the above criminal proceedings, by consent of original complainant - Respondent No. 2 herein.

3. Respondent No.2 has filed an affidavit dated 1st April 2022 wherein she has stated that she has decided to settle the dispute amicably and therefore she has given consent to quashing the FIR. She has further stated that she wants to put an end to Court litigation and she does not want to prosecute the Petitioner further and she does not have any objection if the present proceeding is quashed. In paragraph 9, she has categorically stated that she has no objection if the relief claimed by the Petitioner in writ petition is allowed.

4. Respondent No.2 is personally present before the Court. On

specific query made by us, she 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 FIR / criminal proceedings in question instituted at her instance against the Petitioner for the offence punishable under sections 354(A)(D), 509, 341 and 506 of the Indian Penal Code, 1860.

5. As the complainant at whose the instance the FIR was lodged, has filed an affidavit before this Court stating that she is having no grievance against the Petitioner, it can safely be said that continuity of criminal proceeding, if permitted would be nothing but a futile exercise and it would only increase the burden of courts. The parties have settled the matter, as they have decided to keep harmony between them to enable them to live with peace. The complainant has specifically agreed that she 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.

6. In above 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 prosecution of Petitioner in the instant case will amount to the abuse of process of Court and therefore it is in the fitness of things to quash the proceedings / FIR in order to secure the ends of justice. We are in agreement with the submission of 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.

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 criminal proceedings in question. Accordingly, petition is made absolute in terms of prayer clause (b). However, we also find it would be appropriate to saddle the Petitioner with the cost **of Rs.10,000/-**, which shall be paid to the Tata Memorial Hospital, Mumbai, an institution

that takes care of the advanced and terminally ill cancer patients. For the quashment to take effect, the Petitioner shall pay the said cost and produce the receipt thereof on the file of this Court within the period of ten weeks from today. Failing to pay cost and produce receipt within stipulated time, petition shall stand dismissed automatically without further reference to the Court and order quashing the proceedings / FIR shall be treated as *non-est*.

[S. M. Modak, J.]

[Prasanna B. Varale, J.]