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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 566 OF 2022

Aniket J. Nair

... Applicant

V/s.

State of Maharashtra and anr.

... Respondents

Mr. Shambhu Jha for the Applicant.

Mrs. A.S. Pai, PP for the Respondent – State.

Mr. Sandeep P. Dubey for Respondent No.2.

CORAM : NITIN JAMDAR &
N.R. BORKAR, JJ.

DATE : 27 JULY 2022.

P.C.

. The present application under Section 482 of Code of Criminal Procedure, 1973 is filed to quash the First Information Report No.175 of 2022 (hereinafter referred to as “FIR”, for short) dated 22 April 2022 registered at Mira Road Police Station against the Applicant for the offence punishable under Sections 354-D and 506 of the Indian Penal Code and Section 66(C) of the Information Technology Act .

2. The aforesaid crime came to be registered at the instance of Respondent No.2/Complainant. According to the Respondent No.2, the Applicant, who was studying with her in college, had

created fake Instagram ID and through said fake ID, the Applicant circulated her photographs on Instagram.

3. The learned Counsel for the Applicant and the learned Counsel for the Respondent No.2 jointly submit that the parties have amicably settled the dispute. It is submitted that the FIR in question came to be lodged due to some misunderstanding. It is submitted that no purpose would be served by keeping the prosecution alive, in view of the settlement arrived at between the parties. The learned Counsel for the parties submit that the present case is squarely covered by the law laid down by the Hon'ble Supreme Court in the case of *Narinder Singh and ors vs. State of Punjab and anr*¹.

4. The Respondent No.2 has filed consent affidavit dated 4 May 2022. Respondent No.2 has stated that she lodged the FIR due to some misunderstanding. The Respondent No.2 has stated that she has no objection if the FIR in question is quashed.

5. The Applicant has filed the affidavit-cum-undertaking. The Applicant has stated that he will not indulge in such activity in future and has tendered his unconditional apology to the Respondent No.2

¹ (2014) 6 SCC 466

6. The Hon'ble Supreme Court in *Narinder Singh (supra)* has held :

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

- (i) ends of justice, or*
- (ii) to prevent abuse of the process of any court.*

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for offences alleged to have

been committed under special statute like the [Prevention of Corruption Act](#) or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.”

7. We have examined the facts of the present case in the light of principles laid down by the Hon'ble Supreme Court in *Narinder Singh's* case. According to the Respondent No.2, the Applicant was studying with her in college. She lodged the complaint due to some misunderstanding. In view of the settlement, the Respondent No.2 is not going to support the prosecution case and therefore, possibility of conviction is remote and bleak. Nothing fruitful will therefore, come out of the prosecution in question. Considering these facts and circumstances, in our view, the application deserves to be allowed. The Criminal Application is thus allowed in terms of prayer clause (a), which reads thus:

“a) That this Hon’ble Court be pleased to Invoke its power Under Section 482 of Cr.P.C. and quash and/or Set-aside the FIR/C.R. No.-175 OF 2022 registered with the Mira road Police Station under section 354-D, 506 of I.P.C., 1860 and Section 66 (C) of I.T. Act. ”

8. Criminal Application is disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)