

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

CRIMINAL APPLICATION NO. 586 OF 2021

Atmika Manoj Mathur	...Applicant
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr. Jadhav Animesh Satish - Advocate for the Applicant.
Mr. Mahesh Vishwakarma - Advocate for the Respondent No. 2.
Mr. K. V. Saste – APP for the Respondent No. 1.

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

DATE : 14th MARCH, 2022

P. C. :-

1. Heard the learned counsel appearing for the respective parties and learned APP for the State.

2. The Applicant has approached this Court for seeking quashment of the proceedings arising out of C.R. No. I-403 of 2019, registered with RCF Police Station on 21/12/2019 against the Applicant for commission of offence under Sections 66-C, 67 of the Information Technology Act, 2000.

3. Our attention was invited to Orders of this Court. Firstly, the Order dated 04/10/2021 wherein the reference was made to the request of the parties to explore the possibility of an amicable settlement of the dispute between the parties. Then our attention was invited to subsequent Order

of this Court dated 25/10/2021 which show that the parties before the learned Mediator in the mediation process and now the report under the caption Consent Terms is placed before this Court. The copy of the Consent Terms is taken on record and marked 'X' for identification. It seems that the parties positively participated in the Mediation process. As such learned Mediator by recording terms of settlement forwarded a successful mediation report duly signed by the parties and their respective counsel and learned Sole Mediator appointed by the Mediation Centre.

4. The terms of the Consent arrived between the parties show that the Respondent No. 2 had shown his readiness and willingness to withdraw all allegations and complaint registered against the Applicant for commission of offence under Sections 66-C, 67 of the Information Technology Act, 2000 in Crime No. I-403 of 2019, registered with RCF Police Station on 21/12/2019.

5. In Consent terms, the Applicant had also shown her willingness to withdraw the complaint filed against the Respondent No. 2 at the Bharti Vidyapeeth Police Station in Pune dated 22/02/2021.

6. The parties had agreed not to interfere in each other life and expressed their wish to move on in their individual life and undertaking is also given in clause no. 9 of the Consent Terms stating that they shall not file any legal proceedings either in Civil/Criminal nature against each

other or against their family members in respect of the subject matter of their disputes referred to in the Consent terms.

7. Parties are present in this Court and they agreed to terms of the Consent and arrived at their own will and wish without any pressure or otherwise.

8. Considering the above referred aspect, we are of the opinion that case is made out for exercising power of this Court under Section 482 of the Criminal Procedure Code for quashing of the proceedings to secure ends of justice. The continuity of the proceedings will be nothing but futile attempt and would be resulted into only in over burdening Court.

9. We may referred to observation of the Apex Court in the case of ***Gian Singh V/s. State of Punjab & Anr.***¹.

10. Considering the above facts, we are of the opinion that the case is made out for quashing of the proceedings arising out of C.R. No. I-403 of 2019, registered with RCF Police Station. The Criminal Application No. 586 of 2021 is allowed in terms of prayer clause 'a' and disposed of accordingly.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)

1 reported in 2012(10) SCC 303