

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3805 OF 2021

Selvarajan Ramajayam Nadar. ...Petitioner.
Versus
The State of Maharashtra & Another. ..Respondents.

Ms. Lakshmi Raman for the Petitioner.
Mr. K. V. Saste, APP for the Respondent-State.
Ms. Anandini Fernandes for Respondent No. 2.

CORAM: PRASANNA B. VARALE &
ANIL S. KILOR, JJ.
Date: **January 7, 2022.**
[Video Conferencing Mode]

P. C. :

1. Heard learned counsel appearing on behalf of the Petitioner, learned APP for the Respondent-State and also learned counsel appearing on behalf of Respondent No. 2.
2. The first information report (FIR) bearing Crime No. 22 of 2018 dated 18th January 2018 lodged at Chembur Police Station for the commission of offences punishable under sections 354(D), 504 and 506 of the Indian Penal Code, 1860 and section 12 of the POCSO Act, 2012 and the proceedings consequent to the lodgment of said FIR, namely, POCSO Special Case No.180 of 2018 are sought to be quashed by way of the present petition.
3. Respondent No.2 who is resident of an area called Postal Colony Road, Chembur, Mumbai is working in a private company. In the

year 2017, his daughter, aged 17 years, informed him that one person was following her and making an attempt to establish contact with her. The daughter of Respondent No.2 was **apprehended**. When the said person was pointed out by raising finger against him, Respondent No 2 made an enquiry with the said person and it was disclosed that his name is Selvarajan Nadar, i.e., the Petitioner before this Court. On 18th January 2017, the daughter of Respondent No.2 informed that the Petitioner had repeated his act. Respondent No.2 immediately went to the place where the Petitioner was following his daughter; On making enquiries with the Petitioner, the Petitioner replied to Respondent No. 2 that he desires to marry his daughter. He further stated that if Respondent No. 2 opposes his marriage proposal, he would have to face serious consequences. Pursuant to the lodgment of FIR, investigation was carried out. The statements of witnesses, including the victim, were recorded. The charge-sheet was filed.

4. Learned counsel appearing on behalf of the Petitioner submitted that during the pendency of subject proceedings, the parties have decided to resolve the dispute amicably. The affidavit dated 24th November 2021 is filed on record by Respondent No.2 – Mr. Raj Francis Pinto. It is stated by Respondent No. 2 in the said affidavit that due to intervention of common resident, the parties have decided to resolve their dispute. It is specifically stated in the affidavit that Respondent No.

2 is not seeking any compensation from the Petitioner and Respondent No. 2 believes in restorative justice. In the affidavit, Respondent No.2 has given his unconditional consent for quashing and setting aside the proceedings against Petitioner.

5. Learned counsel appearing on behalf of the Petitioner invited our attention to the order of this Court *dated 3rd July 2019 in Criminal Writ Petition No.1815 of 2019* in the case of *Rajkiran Jaywant Maskar vs. The State of Maharashtra and Anr.* It is submitted by learned counsel appearing on behalf of the Petitioner that in the said matter, there were more serious allegations against the Petitioner therein, whereas in the present matter, the nature of allegations against the Petitioner is of following the daughter of Respondent No.2 and making a marriage proposal.

6. Learned counsel appearing on behalf of the Petitioner submitted that though the way, proposal was put forthwith, was certainly not appreciable, as the Petitioner is a petty vegetable vendor, he flatly submitted his proposal without choosing proper words. It is also submitted by learned counsel appearing on behalf of the Petitioner that now the Petitioner has learnt the lesson of life and he assures that in future the Petitioner would behave decently and would not indulge in any such misconduct or inappropriate act.

7. It is submitted by learned counsel appearing on behalf of

the Petitioner and Respondent No.2 that at the time of registration of FIR, the victim was of 17 years, and now she has attained the age of 20 years, as such her independent affidavit is also placed on record. It is stated in the affidavit that she too believes in restorative justice and has resolved dispute with the Petitioner. It is further stated that the victim wish to put the alleged incident behind and proceed with our respective lives and she is not desirous of proceeding further with the FIR registered with Chembur Police Station against the Petitioner.

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 aforesaid fact-situation, the continuation of prosecution of petitioner 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 FIR and subject proceedings 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 proceedings and FIR in question.

10. In that view of the matter, writ petition is allowed in terms of prayer clause (a). The writ petition stands disposed of.

[Anil S. Kilor, J.]

[Prasanna B. Varale, J.]