

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.310 OF 2023

Ms Ujwala Nandkumar Nanaware

Aged-36 years, Occ : Teacher,

R/o at Sawtamali Nagar, Kolki,

Tal : Phaltan, Dist.Satara.

.. Applicant

Vs.

1. The State of Maharashtra

At the instance of Sr. Inspector of Police,

Phultan Police Station,

Vide Their C.R.No.165 of 2015.

2. Mrs. Bharti Sunil Madane,

Aged 41 years, Occ : Teacher,

R/o at Sawtamali Nagar, Kolki,

Tal : Phaltan, Dist : Satara.

.. Respondents

- Mr. Rahul Arote, for the Applicant.
- Mr. Sanjeev P. Kadam a/w. Mr. Prashant P. Raul a/w. Mr. Pratik Deshmukh a/w. Mr. Mayur Sanap, for Respondent No.2.
- Ms. S.D. Shinde, APP for Respondent No.1-State.

CORAM : SUNIL B. SHUKRE &
M.M. SATHAYE, JJ.

DATE : 29th MARCH, 2023.

ORAL JUDGMENT (PER : SUNIL B. SHUKRE, J.)

1. Heard.

2. Rule.

3. Rule is made returnable forthwith. With the consent of the parties, the application is taken up for final disposal at the stage of admission itself.

4. Respondent No.2/Complainant has filed her affidavit clarifying the fact that filing of complaint by her against the applicant was from out of some written information received by her regarding the key of scooter of karate teacher. She has further stated that it was a case of misunderstanding developed by her, which resulted into investigation into the allegations made by her against the applicant. She has further stated that having realized her mistake, she has amicably settled her dispute with the applicant and now she has no grievance against the applicant. She also states that she is giving her consent for quashing of the crime involved in the present application.

5. Respondent No.2 is personally present before this Court and states that she has voluntarily submitted her affidavit and giving her consent for quashing of the present crime and now she has no grievance against the applicant.

6. In view of the above and also in view of the nature of allegations made in the FIR filed against the applicant, we find that the underlying

dispute behind the crime involved in the present application is private and has no element of public policy in it. That being so, we find no difficulty in accepting the settlement so arrived at between the parties. Hence, we proceed to pass the following order.

ORDER

- (i) The application is allowed.
- (ii) It is hereby directed that the FIR vide Crime No.165 of 2015 registered with Phaltan City Police Station, Dist. Satara for the offences punishable under Sections 452, 323, 504 & 506 of the Indian Penal Code, 1860 and also all consequential proceedings pending before the concerned Trial Court are hereby quashed and set aside.
- (iii) This is subject to the condition that the Applicant and Respondent No.2/Complainant shall deposit an amount of Rs.10,000/- each as cost of the legal proceedings in the account of the Maharashtra Police Welfare Fund, AXIS Bank, Worli Branch, Account No.914010029005759, IFSC Code No.UTIB0000060, within a period of four weeks from the date of receipt of this order, failing which the order shall stand automatically vacated and the application shall be listed before this Court for directions;
- (iv) Rule is made absolute in the aforesaid terms;
- (v) The application is disposed of. No costs.

[M.M. SATHAYE, J]

[SUNIL B. SHUKRE, J.]