



Niti

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.57 OF 2024

AFRA LEONILDA MONTEIRO

... PETITIONER

Versus

**STATE OF GOA, THR.THE PUBLIC
PROSECUTOR AND 2 ORS.**

... RESPONDENTS

Mr. V. A. Lawande with Mr. P. Redkar, Advocates for the Petitioner.
Mr Pravin Faldessai, Additional Public Prosecutor for Respondent
Nos.1 and 2.

Mr Vibhav Amonkar, Advocate for Respondent No.3.

**CORAM:- M. S. KARNIK &
NIVEDITA P. MEHTA, JJ.**

DATED :- 4th December, 2024

P.C.:

Heard Mr V.A. Lawande, learned counsel appearing for the
petitioner.

2. By the present petition, the learned counsel for the petitioner prays
for quashing of the FIR No.144/2022 dated 11.06.2022 registered at
the Mapusa Police Station against the petitioner for the offences under
Sections 465, 466, 467, 468, 471, 419, 420, 255, 259, 260 r/w Section
34 of the Indian Penal Code, 1860.

3. An affidavit has been filed by Mrs Maria Cristina Rita Pinto Do

Rosario, who is represented by learned counsel Mr Vibhav Amonkar. Considering her age, learned counsel appearing for respondent no.3 submitted that Mrs Maria Cristina Rita Pinto Do Rosario was not in a position to remain present in the Court. However, learned counsel identifies Mrs Maria Cristina Rita Pinto Do Rosario and states that affidavit has been affirmed by the complainant.

4. Even otherwise, we find that there is no dispute pending between the parties and the counter claim was amicably settled and compromised by all the parties by filing consent terms dated 11.09.2023 before the Civil Judge Junior Division at Mapusa Goa.

5. In this view of the matter and in the light of what is stated in the affidavit continuation of the criminal prosecution will be an abuse of the process of Court. The criminal case has a civil flavour and, therefore, it is not likely that the trial will end up in conviction. In the light of the affidavit, the matter is settled. We allow the petition in terms of prayer clause 'A'.

6. Learned counsel for the petitioner graciously submits that a sum of Rs.15,000/- will be paid to the Goa State Legal Services Authority within a period of two weeks.

NIVEDITA P. MEHTA, J.

M. S. KARNIK, J.