

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1106 OF 2024

Harsh Arjun Singhvi

Petitioner

versus

The State of Maharashtra and others

Respondents

Mr.Avdhoot Prabhu, Advocate for Petitioner.

Mrs.Rutuja Ambekar, APP, for State.

Ms.Priyanka Dubey, Mr.Shirish Desai for Hedgehog and Fox LLP for Respondent no.3.

PSI Bharat D. Rane, Kandivali Police Station, present.

CORAM : PRAKASH D. NAIK AND
N.R.BORKAR, JJ.

DATE : 4th April 2024

PC :

1. Petitioner is arraigned as accused in C.R No.238 of 2018 registered with Kandivali Police Station on 17th April 2018 for offences under Sections 354D, 509, 506 of Indian Penal Code. Subsequently Section 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 along with Section 67(B) of Information Technology Act were added. Petitioner is also arraigned in C.R dated 26th February 2018 registered with Samata Nagar Police Station vide C.R No.160 of 2018 for offences us.354(A)(D), 328 509, 506 of IPC. The complainant in both the cases is Respondent no.3.

2. It is submitted that parties have resolved the differences. The complainant has consented for quashing the FIRs. However, in C.R No.238 of 2018 the provisions of POCSO Act are invoked. On instructions it is submitted that Petitioner is not pressing for

quashing the impugned FIR dated 17th April 2018 registered with Kandivali Police Station vide C.R No.238 of 2018. However, the trial may be expedited. It may be directed that the evidence of the victim may be recorded expeditiously.

3. Considering the circumstances we direct the Trial Court to conclude the trial in relation to C.R No.238 of 2018 which is subject matter of Special Case No.516 of 2018 expeditiously. Priority may be given for recording evidence of victim.

4. As far as C.R No.160 of 2018 registered with Samata Nagar Police Station is concerned, the complainant has supported the prayer of Petitioner and she has no objection for quashing the proceedings. The offences are registered u/s.354 (A)(D), 328, 509, 506 of IPC. The complainant/Respondent no.3 was present in the Court yesterday and she had expressed her consent for quashing the proceedings arising out of this FIR. The Respondent no.3 has filed affidavit of consent. She has no objection for quashing the impugned proceedings.

5. Considering the fact that parties have resolved the dispute, the proceedings arising out of FIR No.160 of 2018 registered with Samata Nagar Police Station, Mumbai can be quashed and set aside.

ORDER

(i) Writ Petition No.1106 of 2024 is partly allowed;

(ii) The proceedings in Criminal Case No.PW/1409/2019 pending before the learned Metropolitan Magistrate, 17th Court, Borivali, Mumbai, arising out of C.R No.160 of 2018 registered with Samata Nagar Police Station are quashed and set aside;

(iii) The trial in Special Case No.516 of 2018 arising out of FIR No.238 of 2018 registered with Kandivali Police Station is expedited. Priority be given to record evidence of victim (Respondent no.3);

(iv) Petitioner shall pay cost of Rs.15,000/- within two weeks from today to Mumbai Police Welfare Fund and submit receipt of payment in the Registry of this Court within one week thereafter. The account details are as follows :

Account No.465010100008693

Bank name : Axis Bank

IFSC Code : UTIB0000465

(v) List the matter for reporting compliance after four weeks.

(N.R.BORKAR, J.)

(PRAKASH D. NAIK, J.)

MST