

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

CRIMINAL WRIT PETITION NO.599 OF 2016

Sunil B. Verma	.. Petitioner
V/s.	
The State of Maharashtra & Ors.	.. Respondents

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Mr. Aniket Nikam a/w. Ms. Neetha Varghese i/b. M/s. Goldbreaks Legal, Advocate for the Petitioner.
Mrs. S.D. Shinde, APP for Respondent – State.
Mr. Rohan Mahadik, Advocate for Respondent No.2.
Mr.Sunil B. Verma, Petitioner and Mrs.Ashwini Banduk, Respondent No.2 are present.

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**CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.**

DATED : AUGUST 1, 2016.

P.C. :

Rule. Rule is made returnable forthwith. Heard finally by consent of parties.

2 The petitioner prays for quashing of First Information Report (for short “FIR”) No.239 of 2015 registered for the offences punishable under Section 354 (D) and 509 of the Indian Penal Code (for short “IPC”) with Varsova Police Station and the consequent filing of criminal proceedings being case no.2331/PW/2015 before learned Metropolitan Magistrate Railway Mobile Court at Andheri, Mumbai on the complaint made

by respondent no.2. Complainant has filed affidavit before this Court. In paragraph no.1 of the said affidavit, she states as under:

"1. I state that I am the respondent no.2 in the aforementioned Criminal Writ Petition filed by the petitioners in this Hon'ble Court wherein prayer has been made to quash and set aside the FIR vide MECR no.239 of 2015 dated 09.07.2015, the corresponding Chargesheet and Criminal Proceeding being in case no.2331/PW/2015 presently pending on the files of Learned Metropolitan Magistrate Railway Mobile Court at Andehri. I state that I hereby give consent to quash FIR vide MECR no.239 of 2015 dated 09.07.2015, the corresponding chargesheet and Criminal Proceeding being in case no.2331/PW/2015 presently pending on the files of Learned Metropolitan Magistrate Railway Mobile Court at Andheri. I am ready to accept that the petitioner had called me by mistake, that the Petitioner had no mala fide intention to insult me and we are willing to resolve the matter amicably."

3 Learned counsel appearing for petitioner submits that petitioner is a Senior Financial Analyst by profession. He belongs

to respected and educated family. Learned counsel further submits that the subject incident happened due to misunderstanding. Learned counsel submits that taking into consideration the future career of the petitioner and the mutual settlement between the parties, petitioner prays that the criminal proceedings be quashed.

4 Learned counsel appearing for complainant submits that complainant is present with her husband. On instructions, learned counsel submits that it would be just and proper to quash the criminal proceedings as she has no grievance against him.

5 We have perused the record and copy of charge-sheet. Perused the final report annexed at Exhibit-B.

6 No doubt, the allegations made by complainant against petitioner are disturbing in nature, they are absolutely not in good taste.

7 Taking into consideration all the attending facts and circumstances, considering the affidavit filed by complainant and the interest of parties, we are inclined to allow parties to settle

the misunderstanding. Learned APP submits that police machinery has devoted time in investigating the matter and filing charge-sheet. Hence, appropriate cost may be imposed on the petitioner.

8 In the facts, we pass the following order:

:: ORDER ::

- (i) First Information Report No.239 of 2015 for the offences punishable under Section 354 (D) and 509 of the Indian Penal Code registered with Varsova Police Station and the consequent filing of criminal proceedings being case no.2331/PW/2015 pending before learned Metropolitan Magistrate Railway Mobile Court, Andheri are quashed and set aside subject to payment of costs of Rs.25,000/- with the Tata Memorial Hospital and Cancer Research Institute, Parel, Mumbai within two weeks from today;
- (ii) Payment of costs is a condition precedent for quashing the FIR. Order of quashing the FIR

and consequent proceedings would be operative after Petitioner deposits the amount of costs and submits receipt of the same to the Registry of this Court;

- (iii) With these directions, Writ Petition stands disposed of.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)