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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2499 OF 2016

Dr. Premkumar Maurya

.. Petitioner

Vs.

State of Maharashtra and anr.

.. Respondents

Mr. Samsheer Garud i/by Jayakar & Partners for petitioner.

Mr. D. P. Adsule, APP for State.

Mr. Kuldeep Nikam for respondent no.2-complainant.

CORAM: NARESH H. PATIL &
PRAKASH D. NAIK, JJ.

JULY 27, 2016.

P.C.

1. The petitioner prays for quashing of the F.I.R. No. 129 of 2016 dated 29/6/2016 registered by the Kamothe Police Station for offence punishable under Sections 354A and 509 of the Indian Penal Code on a complaint filed by respondent no.2.

2. The complaint came to be lodged by respondent no.2 - Ms. Isha Kishore Singh alleging that the petitioner entered her room, misbehaved with her and abused her. Both the petitioner and respondent

no.2 are studying in Post Graduate Medical Course in MGM Hospital, Kamothe, Panvel. They are residing in the hostel.

3. Respondent No.2 has filed affidavit, wherein, in para 1, she has stated as under :-

“1. I am original Complainant in FIR No. 129 of 2016 registered with the respondent no.1. I say that I have perused the Petition and I have no objection if the above FIR is quashed. I am making this affidavit without any force or coercion and I say that all the disputes with the petitioner have been settled amicably. I say that there were several talks held between the Accused and the Original Complainant with the assistance of Mediators / Parents and Advocates and eventually the parties have decided to mutually settle the matter and not pursue the case any further. The continuation of the complaint affects both the parties, particularly as major part of their studies gets affected as well as the case has a deep impact on the careers of both the parties. I say that a cross case being FIR No. 127/2016 is also settled between the parties and we have mutually agreed to put a closure to both FIRs.”

4. Learned counsel appearing for the petitioner submits that the parents of the petitioner and respondent no.2 are present in court and with the intervention of the elder and the college authority, the issue was amicably settled. The petitioner and respondent no.2 have to pursue their career. They decided to put an end to the controversy.

5. We have perused the record and considered the submissions advanced. The conduct described in the complaint is not expected from the Post Graduate student of a professional course, but it seems that petitioner has realized the same and submitted that such an incident will not be repeated in future. Keeping in view the career of the students we would show indulgence.

6. We are inclined to allow the parties to get the subject FIR quashed, but on a condition.

ORDER

Impugned F.I.R. No. 129 of 2016 dated 29/6/2016 registered by the Kamothe Police Station for offence punishable under Sections 354A

and 509 of the Indian Penal Code is quashed and set aside on petitioner submitting a written undertaking to the effect that such act, as alleged in the complaint, will not be repeated in future while he is pursuing his studies in the college. The said undertaking shall be submitted to the Registrar (Judicial-I) of this court within a week's time. This order shall come into effect after the undertaking is submitted.

Petition is disposed of.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL,J.)