

Rane

* 1/7 * WP-3211-2017 (SR.913)
WP-3192-2017
14.9.2017

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3211 OF 2017

Jayesh Jasu Patel and anr.Petitioners

V/s.

1. The State of Maharashtra
and Ors.Respondents

* * * * *

Mr. M. Imran Farooqui, Advocate for the petitioner.

Mr. K.V. Saste, Additional Public Prosecutor for
respondent no.1, State.

Mr. R.P. Sawant, Advocate for respondents no.2 to 4.

ALONGWITH
WRIT PETITION NO. 3192 OF 2017

Sujeet IyerPetitioner

V/s.

1. The State of Maharashtra
2. Monica Arun VarmaRespondents

Rane

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Mr. R.P. Sawant, Advocate for the petitioner.

Mr. V.B. KondeDeshmukh, Additional Public Prosecutor
for the respondent no.1, State.

Mr. M. Imran Farooqui, Advocate for respondent no.2.

**CORAM :- R.M. SAVANT &
SANDEEP K. SHINDE, JJ.**
DATE :- 14TH SEPTEMBER, 2017.

P.C. :-

1. The above writ petitions seek quashing of the FIR being 60 of 2017 (Writ Petition No. 3192 of 2017) and FIR No. 62 of 2017 (Writ Petition No. 3211 of 2017). The said FIRs have been registered with the Mahim Police Station by the First Informants i.e. respondent no.2 in each of the above petitions for the offences punishable under Sections 354A, 323, 504 and 427 Indian Penal Code and under Sections 354(A), 323, 504 and 506 of the Indian Penal Code respectively. The parties have amicably resolved their dispute as a consequence of

which, the First Informants, as well as, the victims have filed their Affidavits in Writ Petition No. 3211 of 2017. The First Informant, Nandini Madhukar Bhosale has filed an Affidavit dated 8th August, 2017 sworn before this Court. In the context of the relief sought in the above petitions, paras-2 to 5 of the said Affidavit are material and are reproduced hereunder :-

“2. I say that myself and the Petitioners have amicably settled our differences. I say that in view of the aforesaid settlement I do not wish to proceed further with the case registered by me with the Respondent no.1 (i.e. Mahim Police Station).

3. I say that a joint letter dated 12/07/2017 was addressed to the Senior Inspector of Police, Mahim Police Station. I admit the contents of the letter dated 12/07/2017.

4. I say that now the matter is amicably settled and I am not having any complaint

against the petitioners.

5. I say that I have no objection if this Hon'ble Court quashes the F.I.R. No. 62/2017 dated 02/03/2017, registered at Mahim Police Station against the Petitioners for the offences punishable u/s. 354(A), 323, 504 and 506 of IPC. I further say that, I do not wish to pursue my complaint as the matter is amicably settled."

2. The Affidavits of the victims are also in the same terms as the Affidavit of the First Informant, Nandini Madhukar Bhosale. The First Informant in FIR No. 60 of 2017 i.e. Monica Verma, has also filed her Affidavit which is at page-20 sworn before this Court. In the context of the relief sought in the above petitions, paras-4 and 5 of the said Affidavit are material and are reproduced hereunder :-

"4. I say that now the matter is amicably settled and I am not having any complaint against the petitioner.

5. I say that, I have no objection if this Hon'ble Court quashes the F.I.R. No. 60/2017 dated 02/03/2017, registered at Mahim Police Station against the Petitioner for the offences punishable u/s. 354(A), 323, 504 and 427 of the IPC. I further say that I do not wish to pursue my complaint as the matter is amicably settled."

3. The First Informant, Monica Varma is personally present in the Court. She is identified by the Learned Counsel, Imran Farooqui. She is also identified by her Driving License bearing No. MH02 20120023700, Date of Issue of 24th July, 2012. When put in the box and queried, she states that, she has filed the Affidavit which is dated 8th August, 2017 and which is annexed to the Writ Petition No. 3192 of 2017 as Exhibit-D. She further states that, the contents of the Affidavit are acceptable to her and that she has signed the said Affidavit out of her free will and volition. The First Informant, Nandini Madhukar Bhosale is also present in the Court. She is

identified by the Learned Counsel, Mr. Rohit Sawant. She is also identified by her Election Identity Card No. CMBO441931. When put in the box and queried, she accepts about the dispute having settled.

4. Respondent no.3 i.e. Sujit Iyer, who is the victim, is personally present in Court, he is identified by the Learned Counsel, Mr. Rohit Sawant. He is also identified by his Election Identity Card bearing No. CMBO441956. When put in the box and queried, he states that he has filed the said Affidavit dated 8th August, 2017 and that the contents of the Affidavit are acceptable to him. Respondent no.4, Ms. Vaishali Iyer is also personally present in the Court. She is identified by Mr. Rohit Sawant. She is also identified by her Election Card No. CMB043702020. When put in the box and queried, she states about the settlement being arrived at.

5. In the light of the Affidavits filed by the First

Informants in both the FIRs coupled with the statements made by them and having regard to judgments of the Apex Court in the case of **Gian Singh v/s. State of Punjab, reported in (2012) 10 SCC 303** and **Narinder Singh V/s. State of Punjab, reported in (2014) 6 SCC 466**, no useful purpose would be served by keeping the proceedings pending. Hence, there is now no impediment in quashing the proceedings, the above petitions are accordingly allowed and made absolute in terms of prayer clause (a). The petitions stand disposed of.

6. The petitioners in both the petitions are directed to pay costs of Rs.5,000/- (Rs. Five Thousand only) each to be deposited with the Tata Memorial Hospital, Parel, Mumbai within 8 weeks from date, receipt to be obtained and to be filed in the Registry.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)