

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

CRIMINAL APPLICATION NO. 1755 OF 2019

Shri Vikram Raghunath Gulavani
Age- 51 Years, Occupation- Service,
Having address at-
Western Hills, Phase 2, Flat No. B1203,
Baner-Sus Road, Pune- 411045.

...APPLICANT

Versus

1. The State of Maharashtra
(At the instance of The Sr. PI
Hingewadi Police Station, Pune)
2. Smt. Neha Subhash Koravi
Age- 26 Years, Occupation- Service,
R/A: Sadanand Talewadikar, Flat No. 12,
B-Wing, Ragini Vihar, Vadgaon Budrook,
Tahewali, Pune, Pimpri-Chinchwad.

**...RESPONDENTS
(Orig. Complainant)**

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Ms. Keral Mehta for Applicant.
Mr. Omneel Jadhav for Respondent No. 2.
Ms. Neha Koravi-Respondent No. 2 is present through Video Conferencing.
Mr. S.R. Shinde, APP for State.

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**CORAM : S. S. SHINDE &
M.S. KARNIK, JJ.**

DATE : 28th OCTOBER 2020.

P.C.:

1. Heard finally with the consent of parties. This is an application
filed under Section 482 of the Criminal Procedure Code, 1973, for quashing

of the FIR bearing C.R. No. 935 of 2019 registered with Hinjewadi Police Station, Pune for offences punishable under Section 354A (1) (iv) of the Indian Penal Code.

2. The facts of the case in brief are:-

The Respondent No. 2 was working as Customer Advisor at Concorde Motors India Pvt. Ltd. The accused-Applicant was working as the Unit Head of Concorde Motors India Pvt. Ltd. The Respondent No. 2 was on leave from 01.07.2019 to 30.07.2019 for her marriage. When she resumed work on 01.08.2019 and attended the meeting with her colleagues, it is alleged that the applicant during the course of discussion asked the Respondent No. 2 that why she needed to be on leave for so many days for her honeymoon and abruptly left the meeting. It is also alleged that on the same day, the applicant called the Respondent No. 2 to his cabin when one Deepak Raut was also present. The Applicant was allegedly looking at Respondent No. 2 with bad intentions and started talking about her marriage. He mentioned about the glow, she had on her face post marriage. The Respondent No. 2 therefore felt embarrassed due to the sexually coloured remarks made by the Applicant.

3. During the course of hearing, learned counsel appearing for the

parties submitted that, the applicant and Respondent No. 2 have amicably settled the dispute. We have interacted with Respondent No. 2. The Respondent No. 2 says that, with the intervention of other office colleagues and common acquaintances, the Applicant as well as Respondent No. 2 decided to resolve the dispute. The applicant tendered an unconditional apology to the Respondent No. 2 and stated that he had no such intention of making sexually coloured remarks as was the impression carried by Respondent No. 2. The Respondent No. 2 says that she too realised after speaking with the Applicant that this was a result of some misunderstanding and wrong impression that she had carried in her mind. Having realised that the FIR is on account of some misunderstanding which the Respondent No. 2 carried in her mind, the Respondent No. 2 decided to consent for quashing the FIR. At the cost of repetition we may say that we have interacted with the Respondent No. 2 in some detail and she has stated that there is no force or coercion on her and the consent for quashing the FIR is her voluntary act. The Respondent No. 2 is identified by her Advocate.

4. The Respondent No. 2 has filed affidavit. In Para 1 to 6 it is stated thus:-

1. I say that the disputes that arose by and between the Petitioner and myself led to the filing of C.R. No. 935/2019 registered with Hingewadi

Police Station, Pune U/s. 354A(1)(iv) of I.P.C. I however do not wish to pursue the present case and hence I agree with the contents narrated in the application preferred by the Petitioner.

2. I say and I confirm that I have resolved all disputes with the Petitioner herein.

3. I say and submit that in view of the said facts, it would be a waste of time and no useful purpose would be served if the said matter continues.

4. I say that I have no objection if C.R. No. 935/2019 registered with Hingewadi Police Station, Pune U/s. 354A (1)(iv) of I.P.C. is quashed.

5. Hence, it is most humbly submitted that the C.R. No. 935/2019 registered with Hingewadi Police Station, Pune be quashed.

6. The present affidavit is filed by me on my own wish and will, without there being any kind of force, coercion and/or misrepresentation and I shall be bound by the order passed on the basis of the present Affidavit in Reply and shall not challenge the same before the Superior Court.

5. In the light of law laid down by the Hon'ble Apex Court in the case of **Giansingh Vs. State of Punjab and Another**¹, we find that this is a fit case for quashing the FIR by consent. The applicant and Respondent No. 2 have resolved the issue which is personal to them. Considering the affidavit filed by Respondent No. 2, it is obvious that the Respondent No. 2 is not going to support the prosecution case and the possibility of conviction in these circumstances is remote and bleak. In our opinion continuation of criminal prosecution would not be in the interest of justice which will cause

¹ 2012 (10) SCC 303

much prejudice to the parties and would tantamount to the abuse of process of the Court. Further, in our opinion no useful purpose would be served by continuing the criminal prosecution. The application therefore deserves to be allowed subject to payment of cost of Rs. 50,000/- by the applicant. Hence, the following order:-

ORDER

1. The application is allowed in terms of prayer clause (a), which reads thus:-

a) This Hon'ble Court be pleased to quash and set aside the F.I.R. bearing C.R. No. 935/2019 registered with Hingewadi Police Station, Pune for offences punishable u/s. 354A(1)(iv) of the IPC, in the interest of justice;
2. The applicant to deposit sum of Rs. 50,000/- (Rupees Fifty Thousand) towards costs in the account of Bar Council of Maharashtra and Goa, the details of which are as under:-

Bank Name-	Bank of India.
Branch Name-	Mumbai Main Branch, Fort, Mumbai.
Account Name-	"Bar Council of Maharashtra and Goa Covid-19"
Account No-	000110110013597
IFSC Code-	BKID0000001
3. The above payments to be made by the applicant within a period of four weeks from today. It is made clear that

payment of costs would be the condition precedent for quashing the FIR.

4. The application is disposed of.
5. This judgment will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this judgment.

(M. S. KARNIK, J.)

(S. S. SHINDE, J.)