

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

WRIT PETITION NO.117 OF 2022

Abdul Rehman Rahim Khan ...Petitioner
Versus
State of Maharashtra & Anr. ...Respondents.

Ms Kavitha Prakash i/b Mr.Ashok Shukla for the Petitioner.

Ms M.H. Mhatre, APP for State.

Mr.Akshay Kale, for the Respondent No.2.

***CORAM : REVATI MOHITE DERE &
R.N.LADDHA, JJ.***

DATE : 10th NOVEMBER, 2022.

P.C. :

1. Heard learned counsel for the parties.
2. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1–State and Mr.Kale waives notice on behalf of the respondent No.2.

3. By this petition, the petitioner seeks quashing of the FIR, bearing C.R. No.302 of 2021 registered with the Nirmal Nagar Police Station, Bandra (East), Mumbai, for the alleged offences punishable under Sections 354 and 354(A) of the Indian Penal Code. Quashing is sought on the premise, that the parties who are *inter-se* related, have amicably settled their dispute.

4. Perused the papers. Respondent no.2 (original complainant) is the sister-in-law of the petitioner. According to the respondent no.2, she was residing with her mother alongwith her two children, after the demise of her husband. She has stated that she used to meet her in-laws, 3 to 4 times in a year, during the festivals. She has alleged that the incident took place on 21.5.2021, when her children were insisting on meeting the petitioners children. She has stated that pursuant thereto, she visited the petitioner's house alongwith her children. According to the respondent no.2, on 22.05.2021, at about 1.00 a.m. the petitioner, who is her brother-in-law, came home and they went to sleep; that at around 3.30 a.m., the

petitioner woke up and asked her to give him water; at that time, the petitioner is alleged to have touched her inappropriately. FIR was lodged on 23.5.2021. After investigation, chargesheet was filed and the case is presently pending before learned Metropolitan Magistrate, 32nd Court, Bandra, Mumbai, being R.C.C.No.PW/548/2022.

5. During the pendency of aforesaid proceeding, the parties amicably settled their dispute, having regard to their relations. The respondent no.2 has filed an affidavit dated 14.12.2021. The said affidavit is annexed at Annexure 'C' at page no.25 of the petition. In the said affidavit, the respondent no.2 has stated that the complaint was lodged due to family dispute between the petitioner and her and that dispute has been amicably settled, and as such, she does not wish to pursue the same. The respondent no.2 is personally present in person. On being questioned, she reiterates what is stated by her in the affidavit. Learned Counsel for the respondent no.2 has identified her and the learned APP has verified the original Aadhar Card of the Respondent no.2. The xerox copy of the respondent No.2's Aadhar

Card duly attested by the respondent no.2, is taken on record.

6. Considering the nature of the dispute, the relations between the parties, the amicable settlement between the parties, and the respondent no.2's affidavit, there is no impediment in allowing the petition.

7. The petition is accordingly, allowed and the FIR bearing C.R. No.302 of 2021, registered with the Nirmal Nagar Police Station, Bandra (East), Mumbai, is quashed and set-aside.

8. The petitioner to deposit cost of Rs.10,000/- with the **Mumbai Police Welfare Fund bearing Account No.465010100008693, IFSC NO.UTIB0000465** within 4 weeks from today. It is made clear that the proceeding is quashed subject to the petitioner depositing the cost as aforesaid.

9. Rule is made absolute in the aforesaid terms. Petition is

disposed of accordingly.

10. All parties to act on authenticated copy of this order.

11. Matter be listed on 19.12.2022 for recording compliance of the said deposit.

R.N.LADDHA, J.

REVATI MOHITE DERE, J.