

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

CRIMINAL WRIT PETITION NO. 296 OF 2022

Dr.Dhanaraj Nilakantha Kohachade ... Petitioner
Versus
1. The State of Maharashtra
2. Poonam Ramesh Shirwale ... Respondents

Mr. Kishor D. Walanju, for the Petitioner.
Mr. Y. M. Nakhwa, APP for the Respondent No.1– State.
Ms. Stenna Fernandes i/b Nitin Atpadkar, for the Respondent No.2.
Mr. Nana S. Landge, PSI, Khadakpada Police Station present.

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.**

DATE : 21st SEPTEMBER, 2022.

P. C. :

Heard learned Counsel for the parties.

2 Rule. Rule is made returnable forthwith, with the consent of the parties and the petition is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1-State. Ms. Fernandes, learned Counsel waives notice on behalf of the respondent No.2.

3 By this petition, the petitioner seeks quashing of the FIR which was registered vide C.R. No. 183 of 2020 with the Khadakpada Police Station, Thane, for the alleged offences punishable under Sections 188, 290, 504, 506 of the Indian Penal Code, under Section 11 of the Maharashtra COVID 19 Regulations, 2020 and under Sections 2 and 3 of Epidemic Diseases Act, 1897.

4 Perused the papers. According to the respondent No.2, she was working as a Nurse in Criti Care Hospital, at Ulhasnagar. She has alleged that during the COVID time, the petitioner, a member of the society, would not allow her to visit her parent's residence, as she could infect others with Corona Virus. The petitioner is also alleged to have told the respondent No.2 that if she comes to their society, he would inform the Home Ministry. Pursuant thereto, the respondent No.2 lodged the aforesaid complaint against the petitioner, as she was not permitted by the petitioner to enter the society, where her parents were residing.

5 On the last date, we were informed that the parties had amicably settled their dispute. Learned Counsel for the respondent

No.2 does not dispute the said fact. Learned Counsel, on instructions of the respondent No.2, states that the parties have amicably settled their dispute, however, the respondent No.2 is unable to come to the Court personally as she is in advanced stage of pregnancy. In view of the statement made by the Counsel for the respondent No.2, on 14th September, 2022, we had directed an officer from the Khadakpada Police Station, Thane, to record the statement of the respondent No.2, as to whether she had any objection for quashing of the aforesaid C.R. i.e. C.R. No. 183 of 2020. We had directed the learned APP to produce the said statement so recorded, on the next date alongwith a xerox copy of the Adhar Card of the respondent No.2 duly attested by her, after comparing it with the original.

6 Pursuant thereto, the concerned Officer from the concerned Police Station has recorded the statement of the respondent No.2 – Mrs.Poonam Ramesh Shirwade on 19th September, 2022. In the said statement, the respondent No.2 has stated she is unable to attend the proceeding as she is in an advanced stage of pregnancy. She has stated that she has resolved the dispute amicably with the petitioner

and that she had lodged the said complaint/FIR, as against the petitioner, out of anger. She has further stated that she has no objection, if the proceedings i.e. the aforesaid C.R is quashed and set-aside. The said statement is signed by the respondent No.2 in the presence of the concerned Police Officer of the Khadakpada Police Station, Thane. To the said statement is annexed a xerox copy of the Adhar Card of the respondent No.2, duly attested by her. The statement by the respondent No.2 so recorded is taken on record and marked as 'X' for identification.

7 Considering the nature of the allegations, nature of the dispute and the amicable settlement between the parties and the judicial pronouncements in this regard, there is no impediment in allowing the petition.

8 The petition is accordingly allowed and C.R. No. 183 of 2020 registered with Khadakpada Police Station, Thane and the proceeding arising therefrom, are quashed and set-aside.

9 Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

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

REKHA
PRAKASH
PATIL

Digitally signed
by REKHA
PRAKASH PATIL
Date: 2022.09.27
14:37:49 +0530

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.