

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

CRIMINAL WRIT PETITION NO. 1156 OF 2021

- | | |
|--------------------------------|-----------------|
| 1. Smt. Pratidnya Anukush Wagh | |
| 2. Shri Ankush Sitaram Wagh | |
| 3. Shri Sitaram Deoram Wagh | ... Petitioners |
| <i>Versus</i> | |
| 1. The State of Maharashtra | |
| 2. Smt. Anita Somanth Wagh | ... Respondents |

Ms. Meghna Gowalani for the Petitioners.

Mr. Rameshwar Gite for the Respondent No.2.

Ms. M. H. Mhatre, APP for the Respondent No.1-State.

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

DATE : 18th NOVEMBER, 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 APP waives notice on behalf of the respondent no.1-State and Mr.Gite, learned counsel waives notice on behalf of the respondent no.2.

3. By this petition, the petitioners seek quashing of the FIR, registered vide C.R. No. 328 of 2019 with the Sinner Police Station, Nashik, for the alleged offences punishable under Sections 354, 509, 323, 504, 506 read with 34 of the Indian Penal Code. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4. Perused the papers. Admittedly, and which fact, is not disputed by either of the parties, is that the petitioners and the respondent no.2 are distantly related. It appears that the incident took place on 13th September, 2019, when the petitioners as well as the respondent no.2 had gone to the Sinner Court, in connection with their civil suit. It is alleged that the incident took place during the lunch time, when both the parties were sitting in the restaurant. According to the respondent no.2, the petitioners came near her table and threatened her to withdraw the civil suit filed in relation to the property, situated at Samruddhi Highway. The respondent no2 has alleged that in the said incident, she was

physically assaulted and abused by the petitioners. The respondent no.2 has also alleged that the petitioner no.2 outraged her modesty, by inappropriately touching her. Pursuant thereto, the respondent no.2 filed the aforesaid FIR as against the petitioners, alleging the aforesaid offences.

5. After investigation, charge-sheet was filed as against the petitioners and the case is presently pending before the learned Judicial Magistrate First Class, Nashik being RCC No. 70 of 2020.

6. During the pendency of the aforesaid petition, the parties amicably settled their dispute. Accordingly, learned counsel for the respondent no.2 has tendered an affidavit of the respondent no.2-Smt. Anita Somanth Wagh dated 18th November, 2022, duly affirmed before the Notary. To the said affidavit is annexed a photocopy of the Aadhar Card of the respondent no.2 duly attested by her. Learned counsel for the respondent no.2 has identified the respondent no.2 and learned APP has verified the original Aadhar Card. The said affidavit is taken on record. In

the said affidavit, the respondent no.2 has stated that through the well wishers of the family, the dispute has been amicably settled between the parties and as such, she has given no objection for quashing of the aforesaid FIR, registered at her behest. The respondent no.2 is present in person. On being questioned, she reiterates what is stated by her in the said affidavit.

7. With respect to the said incident dated 13th September, 2019, the petitioner no.1 has lodged a cross FIR, which was registered with the Sinner Police Station vide C.R. No. 327 of 2019 as against the respondent no.2 and other, alleging offences punishable under Sections 354, 509, 352, 201, 323, 504, 506 read with 34 of the Indian Penal Code. The accused in the said case, have also filed Criminal Writ Petition bearing No. 3315 of 2022, for quashing of the said FIR with the consent of the applicant no.1 herein (i.e. original informant) in C.R. No. 327 of 2019. Vide a separate order, passed today, we have allowed the said petition and quashed the said C.R. and proceeding arising therefore.

8. Considering the nature of dispute, the relations between the

parties, the amicable settlement between the parties, the affidavit of the respondent no.2 and the judicial pronouncements in this regard, there is no impediment in allowing the petition.

9. The petition is accordingly allowed and the FIR registered vide C.R.No.328 of 2019 with the Sinner Police Station, Mumbai, and consequently, proceeding pending before the learned Judicial Magistrate First Class, Nashik, being RCC No. 70 of 2020, are quashed and set aside.

10. Rule is made absolute in the aforesaid terms and the petition is disposed of accordingly.

11. All concerned to act on the authenticated copy of this order.

R. N. LADDHA, J.

REVATI MOHITE DERE, J.

BIPIN
DHARMENDER
PRITHIANI

Digitally signed by
BIPIN DHARMENDER
PRITHIANI
Date: 2022.11.23
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