

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

CRIMINAL APPLICATION NO.219 OF 2020

Sahil Ajit Shaikh ...Applicant.
Versus
The State of Maharashtra & Anr. ...Respondents.

Mr.Ram Mani Upadhyay for the applicant.

Mr.S. S. Hulke, APP for State.

Mr.D.T.Tiwari for respondent no.2.

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

DATE : 30 NOVEMBER, 2022.

P.C. :

1. Heard learned Counsel for parties.
2. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal.
3. By this application, the applicants seeks quashing of the

FIR bearing C.R. No.5 of 2020 registered with the Khar Police Station, for the alleged offence punishable under Section 354(A) of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. According to the Respondent No.2 (original complainant) aged 19 years, at the relevant time, the Applicant aged 22 years came to the Canteen on 6.1.2020 at around 10.30 a.m. when she was sitting in the Canteen, held her hand, and forced her to come out and talk with him. By this act, the Applicant is alleged to have outraged Respondent No.2's modesty. Accordingly, the Respondent No.2 lodged the aforesaid FIR. After investigation, charge sheet was filed and the case is presently pending before the learned A.C.M.M., 9th Court, Bandra, being C.C.No.2095/PW/2021.

5. During the pendency of the aforesaid petition, the parties amicably settled their dispute, as the Applicant and the Respondent no.2 were good friends. Learned Counsel for Respondent No.2 has

tendered the Consent affidavit of the Respondent No.2 dated 30.11.22 duly affirmed before the Assistant Registrar, High Court. To the said affidavit is annexed a photocopy of the Aadhar Card of the Respondent no.2 duly attested by her. The said affidavit is taken on record. In the said affidavit, the Respondent No.2 has stated that she and the Applicant are good friends and there is no dispute between them and that the FIR was lodged due to some misunderstanding. Respondent No.2 is present in person. On being questioned, she reiterates what is stated by her in her affidavit i.e. she has no objection for quashing of the FIR, bearing C.R. No.5 of 2020 registered with the Khar Police Station. Respondent No.2 has been identified by her Counsel and the learned APP has verified her original Aadhar Card.

6. Considering the manner in which the incident has taken place, the amicable settlement between the parties, the affidavit of Respondent No.2, there is no impediment in allowing the petition.

7. The petition is accordingly allowed and the FIR bearing

C.R. No.5 of 2020 registered with the Khar Police Station and consequently, the proceeding pending before learned A.C.M.M. 9th Court, Bandra, Mumbai, being C.C.No.2095/PW/2021, are quashed and set-aside.

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

9. Learned Counsel for Respondent No.2 to file his Vakalatnama, if not filed, within two weeks of the uploading of this order.

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

R.N.LADDHA, J.

REVATI MOHITE DERE, J.

