

UDAY
SHIVAJI
JAGTAP

Digitally
signed by
UDAY
SHIVAJI
JAGTAP
Date:
2022.12.19
11:37:21
+0530

Uday S. Jagtap

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

CRIMINAL WRIT PETITION NO. 601 OF 2022

1. Rajat Jitendra Gupta

2. Angad Singh Charanjeet Singh Jutley

.. Petitioners

Vs.

1. State of Maharashtra

2. Ms. Inderjeet Kaur Paramjeet Singh Bhumrah

.. Respondents

.....

Mr. Manish Mazgaonkar for the petitioners

Mr. Apoorv V. Singh for the respondent no.2

Mrs. P.P. Shinde, APP for the respondent - State

.....

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

DATED : 13th DECEMBER, 2022.

ORDER :- (Per Prithivraj K. Chavan, J.)

1. Heard learned Counsel for the petitioners, learned APP
appearing for the respondent no.1 – State and the learned Counsel
appearing for the respondent no.2.

2. Rule. Rule is made returnable forthwith. With the consent of the parties, the petition is taken up for final disposal. Learned APP waives notice on behalf of the respondent no.1 – State and Mr. Singh, learned Counsel waives notice on behalf of the respondent no.2 – first informant.

3. The petitioners herein have invoked inherent powers of this Court under Section 482 of the Code of Criminal Procedure, 1973 (for short “Cr.P.C.”) alongwith Article 226 of the Constitution of India, *inter alia*, praying for quashing the charge-sheet bearing R.C.C. No. 2375 of 2018 pending before the learned JMFC Court, Thane, arising out of an First Information Report (for short “FIR”) registered with the Kashimira Police Station, Thane bearing F.I.R. No. 0039 of 2018 on 12.01.2018 for the alleged offences punishable under Sections 354, 504, 506 r/w Section 34 of the Indian Penal Code lodged by the respondent no.2 on the premise that the parties have amicably resolved their dispute.

4. Respondent no.2 – Inderjeet Kaur Paramjeet Singh Bhumrah alongwith others have also preferred one similar petition, wherein the petitioner no.1 in this case namely, Rajat Jitendra Gupta is the

respondent and the complainant in a cross case.

5. Facts in brief are as follows.

6. Respondent no.2 – Inderjeet Kaur Paramjeet Singh Bhumrah is a victim in this crime. At the relevant time, she was prosecuting her studies in Management Course at Aditya Institute of Management Study and Research, Borivali. Her college hours were from 9.30 a.m. to 5.30 p.m.

7. There was a fight between the respondent no.2's father and the petitioners pursuant to which, respondent no.2's father had lodged a non-cognizable case against the petitioners at Kashmiri Police Station. It is alleged that on 12.01.2018 when the respondent no.2 was at home, she was informed by her mother about the complaint having been lodged against her father and his presence at Kashmiri Police Station. When the respondent no.2 was on her way to the police station, two persons accosted her near petrol pump and started hurling abuses. They pushed her and outraged her modesty. As such, she lodged an FIR as above and a crime came to be registered against the petitioners.

8. The petitioners and the respondent no.2 have now amicably settled their dispute and filed two writ petitions. It is the contention of the learned Counsel for the respondent no.2 that she has no grievance against any of the petitioners and has no objection for quashing of the FIR, as according to her and the petitioners, no purpose will be served if the petition is allowed to proceed further in view of the fact of their amicable settlement.

9. It is also informed to the Court that the parties are residents of the same vicinity and, therefore, it will not be just and proper to precipitate the matters against each other by the respective parties.

10. Learned Counsel for the petitioners and the respondent no.2 *inter alia* submit that further prosecution of the criminal cases would be an exercise in futility and, therefore, to secure ends of justice, they want to give a quietus to the entire dispute. In support, an affidavit dated 08.02.2022 of the respondent no.2 is placed on record alongwith attested photostat copy of his Aadhar Card. The said affidavit is taken on record. Learned APP as well as the learned Counsel for the respondent no.2 have vouched the identity of the respondent no.2. The affidavit is in consonance with the averments

in the petition.

11. We have ascertained the truthfulness of the recitals of the affidavit from the respondent no.2. She submits that she has no objection to quash and set aside the proceeding pending before the J.M.F.C. Court, Thane.

12. Having considered the nature of allegations and the dispute as well as the fact that parties have arrived at an amicable settlement with the mutual consent and also in view of the judgment of the Apex Court in the case of **Gian Singh Vs. State of Punjab & Anr.**¹ and **Narinder Singh & Ors. Vs. State of Punjab**², we do not find any difficulty in allowing the petition.

13. There is no public policy involved in the dispute between the parties and, therefore, no fruitful purpose will be served in allowing the proceeding to proceed further.

14. The petition is accordingly allowed. The Charge-sheet bearing R.C.C. No. 2375 of 2018 pending before the learned JMFC Court,

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

Thane, arising out of an F.I.R. registered with the Kashimira Police Station, Thane bearing F.I.R. No. 0039 of 2018 on 12.01.2018 for the alleged offences punishable under Sections 354, 504, 506 r/w 34 of the Indian Penal Code lodged is quashed and set aside.

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

16. All the parties to act upon the authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]