

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1378 OF 2020***

1. Reshma@ Ishita Subhash Rajora
 2. Madan Bidaduram Rajora
 3. Subhash Bidaduram Rajora
 4. Kamlesh Premchand Chauhan ...Petitioners
- Versus
1. The State of Maharashtra
 2. Jyotshna Rajkumar Kahar ...Respondents

Mr. Pravin S. Dhanawade i/b Mr. D. V. Saroj, for the Petitioners.

Mr. S. S. Hulke, A.P.P for the Respondent No.1– State.

Mr. Dhanesh C. Singh, for the Respondent No.2.

Mr. G. M. Bhoyar, API, Nirmal Nagar Police Station, Mumbai, is present.

***CORAM : REVATI MOHITE DERE &
R. N. LADDHA, JJ.
DATE : 21st 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. Mr. Singh waives

notice on behalf of the respondent No.2.

3. By this petition, the petitioners seek quashing of the FIR bearing C.R. No. 354 of 2018, registered with the Nirmal Nagar Police Station, Mumbai, for the alleged offences punishable under Sections 354, 324, 504, 506 r/w 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, the petitioners and the respondent No.2 are neighbours staying in adjoining plots. According to the respondent No.2, the incident took place on 22nd January 2018 at about 4:00 p.m. She has alleged that the petitioners who are neighbours i.e. Madan Rajora, Subhash Rajora were constructing a stone wall adjacent to her house. She has stated that when she questioned the said persons, the petitioner No.1 – Reshma@ Ishita Rajora who was present at the spot, told her that they would be putting up the stone wall and that she could do what she has to do.

The respondent No.2 has alleged that the petitioner No.2 – Madan and the petitioner No.3 – Subhash abused her in filthy language and that petitioner No.2 – Madan and petitioner No.4 - Kamlesh also assaulted her with fists and kick blows. The petitioner No.1 – Reshma@ Ishita Rajora is also alleged to have threatened the respondent No.2. Pursuant to the said incident dated 22nd January 2018, the respondent No.2 lodged the FIR on 28th November 2018, after more than 10 months. We are informed that till date, charge-sheet has not been filed in the said case.

5. During the pendency of the aforesaid C.R., the parties amicably settled their dispute.

6. Learned Counsel for the respondent No.2 has tendered a consent affidavit of the respondent No.2 dated 19th November 2022, duly affirmed before the Notary. In the said consent affidavit, the respondent No.2 has given her no objection to the quashing of the FIR. She has stated that the matter has been amicably settled between

both the parties and that even the petitioners have agreed to quash the complaint lodged by them, as against her. Respondent No.2 is present in Court. On questioning, she re-iterates what is stated by her in her affidavit. Learned counsel for the respondent No. 2 has tendered a self attested photocopy of the aadhar card of the respondent No. 2. The same is taken on record. Learned Counsel for the respondent No.2 has identified the respondent No.2 and the learned APP has also verified the original aadhar card of the respondent No.2.

7. It appears that with respect to the incident dated 22nd January 2018, there is a cross N.C lodged by the petitioners as against the respondent No.2. The petitioners have also agreed not to proceed with the said N.C. *qua* the respondent No.2 and take all such steps as are necessary for the same.

8. Considering the nature of dispute, the amicable settlement between the parties, the fact that the parties are neighbours, the

consent affidavit of the respondent No.2 and having regard to the judicial pronouncements in this regard, there is no impediment in allowing the petition.

9. The petition is accordingly allowed and the FIR bearing C.R. No. 354 of 2018, registered with the Nirmal Nagar Police Station, Mumbai, is quashed and set-aside.

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

11. The petitioners together to deposit a sum of Rs.5,000/-, with the **Mumbai Police Welfare Fund bearing Account No. 465010100008693, IFSC No. UTIB0000465**, as costs. The said costs to be deposited within three weeks from today.

12. Stand over to 19th December 2022, for recording compliance of the said deposit of costs.

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

R. N. LADDHA, J.

REVATI MOHITE DERE, J.