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

CRIMINAL WRIT PETITION NO. 1643 OF 2022

Abhishek Mahadev Mishra

...Petitioner

Versus

1. State of Maharashtra

2. Gunjan Ramsagar Tiwari

...Respondents

Mr.Dwivendra Dubey a/w Mr.Tushar Bansode a/w Ms.Alka Pandey
i/b. Law Global Advocates, for the Petitioner.

Mr.J.P.Yagnik, APP for the Respondent No.1-State.

Ms.Harsha Vaid, Advocate for the Respondent No.2.

**CORAM : REVATI MOHITE DERE &
S. M. MODAK, JJ.**

DATE : 10th OCTOBER 2022

P.C. :

1 Heard the 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 APP waives notice on behalf of the respondent no.1-State and Ms.Harsha Vaid, waives notice on behalf of the respondent no.2.

3 By this Petition, the petitioner seeks quashing of the FIR, registered vide C.R. No. 3 of 2021 with the Airport Police Station,

Mumbai, for the alleged offences punishable under Sections 354 and 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. From a perusal of the complaint lodged by the respondent no.2, it appears that the parties met on a matrimonial app sometime in November-2020. Pursuant thereto, the petitioner and the respondent no.2 exchanged their numbers and started chatting with each other for about three weeks prior to the meeting. The respondent no.2 has alleged, that she met the petitioner on 19th December, 2020 at Oberoi Mall at Goregaon, and that, after having lunch, they went to the beach, after which, the petitioner dropped her at the Borivali station. She has further stated, that based on the conversation and interaction, they both liked each other. She has stated in her complaint, that she told the petitioner, that she wanted to get married and settle in 6 months, and that, she found the petitioner to be soft spoken and a genuine person, based on his education and background.

She has further alleged that, thereafter, the petitioner

asked for booking a room on 25th December, 2020, at Sahara Star Hotel, Vile Parle (East) so that they could discuss issues pertaining to their marriage. She has stated, that when she reached the hotel at 12.45 p.m., they went to freshen up and to have lunch ; that after sometime, the petitioner demanded sexual favour from her to which, she refused ; that when she left the said room, the petitioner told her that both will go their respective ways, however, she did not pay much attention to the said statement. She has stated, that thereafter, the petitioner dropped her at the Vile Parle station.

5 According to the respondent no.2, she called him at about 11.00 p.m., however, the petitioner did not respond to her call nor to her SMS's for the next two days. She has stated, that thereafter, the petitioner replied that his friend had met with an accident, and that, he was busy looking after him. She has stated, that she tried calling the petitioner again and also kept messaging him, however, he did not respond. Pursuant thereto, the respondent no.2 lodged an FIR as against the petitioner, as according to her, the petitioner's intention was to get physical with her, however, she had refused to the same.

6 After investigation, charge-sheet was filed and the case is presently pending before the learned Metropolitan Magistrate, 66th Court at Andheri, Mumbai, being Criminal Case No. 666/PW/21.

7 It appears that in the interregnum, during the pendency of the aforesaid proceeding, the parties amicably settled their dispute. The respondent no.2 has filed her affidavit dated 7th September, 2022, duly notarized. In the said affidavit, the respondent no.2 has stated, that she is offering her consent for quashing of the criminal proceeding, as against the petitioner, and as such, has no objection to quashing of the said proceedings. She has stated, that there was no force or coercion on her to do so. When questioned, the respondent no.2 reiterates what is stated by her in her affidavit. Learned Counsel for the respondent no.2 has tendered a xerox copy of the respondent no.2's Aadhar card, duly signed by her. The same is taken on record. She is identified by her Counsel and the learned APP has verified the original Aadhar card.

8 Considering the nature of allegations, the amicable

settlement between the parties and keeping in mind their future, we do not find any impediment to quashing the FIR, registered vide C.R. No. 3 of 2021 with the Airport Police Station, Mumbai, for the alleged offences punishable under Sections 354 and 354-A of the Indian Penal Code.

9 Accordingly, the petition is allowed and the FIR bearing C.R. No. 3 of 2021 registered with the Airport Police Station, Mumbai, is quashed and set aside and consequently, the proceeding being Criminal Case No. 666/PW/21, pending before the learned Metropolitan Magistrate, 66th Court at Andheri, Mumbai is also quashed and set aside.

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

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.