

waives service on behalf of the respondent No.3.

3. By this petition, the petitioner seeks quashing of the FIR bearing C.R. No. 71 of 2016, registered with the R.A.K. Marg Police Station, Mumbai, for the alleged offence punishable under Section 354 of the Indian Penal Code on the premise that the petitioner and the respondent No.3 have amicably settled their dispute.

4. Learned Senior Counsel for the petitioner submits that after the registration of the FIR and filing of chargesheet, the parties have resolved their dispute amicably and as such, the respondent No.3 – complainant does not wish to pursue her complaint as against the petitioner. Learned Senior Counsel for the petitioner further submits that the respondent No.3 has also given her no objection for quashing of the C.R./proceeding, as against the petitioner.

5. Learned counsel for the respondent No. 3 does not dispute the fact, that the parties have amicably resolved their dispute and that

the respondent No.3 has affirmed the affidavit, which is on page 106 of the petition. The said affidavit is dated 30th July, 2022. He submits that the respondent No.3 has no objection if the FIR i.e. C.R.No.71 of 2016 registered with the R.A.K. Marg Police Station, Mumbai and the consequential proceeding arising thereto, is quashed and set aside.

6. Respondent No. 3 is present in Court. Learned counsel for the respondent No. 3 has tendered a self attested xerox copy of the aadhar card of the respondent No. 3. The same is taken on record. On questioning, respondent No.3 re-iterates what is stated by her in her affidavit i.e. she has no objection for quashing of the FIR bearing C.R. No.71 of 2016 registered with the R.A.K. Marg Police Station, Mumbai and the proceeding arising from the said C.R.

7. Perused the papers. The respondent No.3 has filed a complaint which was registered vide C.R.No.71 of 2016 with the R.A.K.Marg Police Station, Mumbai, for the alleged offence

punishable under Sections 354 of the Indian Penal Code. The allegation as against the petitioner is that he was recording her movements on his mobile. After investigation, chargesheet was filed as against the petitioner. It appears that presently, the case is pending before the Learned Metropolitan Magistrate, 13th Court, at Dadar, Mumbai being Criminal Case No.1094 of 2018.

8. Considering the nature of dispute and the peculiar facts and the amicable settlement between the parties, there is no impediment in allowing the petition.

9. The petition is accordingly allowed and the FIR bearing C.R. No. 71 of 2016 registered with the R.A.K.Marg Police Station, Mumbai and all consequential proceeding arising therefrom, are 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.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.