

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1909 OF 2022

Mr.Ashish Rajendra Yadav. ... Petitioner.
V/s.
The State of Maharashtra and another. ... Respondents.

Mr.Ranvir Shekhawat i/b. Raj Legal for the Petitioner.
Mr.J.P.Yagnik, APP for the Respondent-State.
Ms.Prabha Badadare for Respondent No.2.

Digitally
signed by
SANJAY
KASHINATH
NANOSKAR
Date:
2022.07.02
12:29:15
+0530

CORAM : NITIN JAMDAR AND
N.R. BORKAR, JJ.

DATE : 24 June 2022.

P.C. :

By this petition, the Petitioner has prayed as follows:

“(a) That after examining the legality, propriety and/or validity of the allegations, registration of FIR No.62 of 2022 under Section 354 of Indian Penal Code 27.02.2022 registered with Respondent No.1 be quashed and set aside.”

2. The learned counsel for the Petitioner and the learned counsel for Respondent No.2 state that they have amicably resolved the dispute and the Respondent No.2 has filed an affidavit of

consent stating that she has no objection if the FIR is quashed. The learned counsel for the parties reiterated their contentions. The learned counsel submits that in light of the law laid down by the Supreme Court in the case of *Gian Singh v. State of Punjab*¹, the FIR be quashed by consent.

3. The Respondent No.2 filed a complaint that she was staying with her husband and a son and daughter and her husband was working. On 26 February 2022, when the Complainant's husband had gone to work, the Petitioner came to their house and inappropriately touched her thigh and the hand. With these allegations the Respondent Complainant filed FIR under section 354 of the Indian Penal Code.

4. In the affidavit of the Complainant which is filed, it is stated that the Complainant later on was convinced that the incident was an accident and the Petitioner had no intention behind the same. In the light of the stand taken by the Respondent- Complainant that the Petitioner's action of touching her thigh and hand was not with an intention to outrage her modesty but an accidental touch. Therefore, there would be no purpose served in keeping the prosecution pending as it is not likely to result in conviction. Furthermore, the Respondent- Complainant whose affidavit is reiterated by the learned counsel for the Respondent has also stated that the matter is settled with the intervention of her husband.

¹ (2012) 10 SCC 303

Considering these facts, the contention of the learned counsel that the case is covered by the law laid down by the Supreme Court in the case of *Gian Singh* will have to be accepted.

5. Accordingly, writ petition is allowed in terms of prayer clause (a).

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)