

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

WRIT PETITION NO.2374 OF 2022

Mr. Saurabh D. Sonavane .. Petitioner.
v/s.
Smt. Pallavi M. Kokate & Another .. Respondents.

Mr. Sanjay Bhatiya, for the Petitioner.
Mr. J. P. Yagnik, APP for Respondent No.1-State.
Mr. Sushil Kumar Sharma, for Respondent No.2

**CORAM: NITIN JAMDAR &
ARUN R. PEDNEKER, JJ.
DATE : 20th JULY, 2022.**

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P.C:-

By this Petition, Petitioner is seeking following relief:-

*“(a) The criminal proceedings pending on the file of the
Ld. Metropolitan Magistrate 12th Bandra, Mumbai bearing
No. C. C. No.12300346/pw/2021, arising out of C. R. No.54
of 2019 registered with Shahu Nagar Police Station,
Mumbai may kindly be quashed and set aside in the
interests of justice.”*

2 The reason given for quashing the FIR is the consent of Respondent No.1- the Complainant. Respondent No.1 has given information on which the FIR was registered on 9 March, 2019. On that day, she was alone at home. The Petitioner came to her residence and abused her and started manhandling her with force. It is stated that she received injury on her left hand. The affidavit is filed by Respondent No.1 giving consent, stating that dispute is resolved between the parties.

3 The learned Counsel for the parties rely upon the decision of the Supreme Court in the case of *Gian Singh v/s.*

*State of Punjab*¹ and *Narinder Singh & Others v/s. State of Punjab & Another*². The Petitioner and Respondent No.1 are brother and sister; Petitioner No.1 is 22 years old. The injury certificate on record does not show any external injury. The learned Counsel for the Petitioner states that parties had a quarrel. It is clear that the incident has taken place out of a domestic dispute.

4 Considering these facts, the relation between the parties and the nature of the incident, we find that a case is made out for quashing of the FIR. The FIR, if not quashed, will disturb the relationship to be reconciled through settlement and may not result in conviction.

5 Accordingly, Writ Petition is allowed in terms of prayer clause (a).

6 The Petitioner will pay Rs.5,000/- (Rupees Five thousand only) to the Mumbai Police Welfare Fund within a period of six weeks from today. The details of the concerned Police Welfare Fund would be obtained from the office of the Public Prosecutor.

7 The order passed today is a conditional upon the payment.

(ARUN R. PEDNEKER,J.)

(NITIN JAMDAR,J.)

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466