

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

CRIMINAL WRIT PETITION NO. 3315 OF 2022

1. Shri Kumesh Rangnath Wagh
 2. Shri Somnath Pandit Wagh
 3. Shri Sunil Pandit Wagh
 4. Shri Kisan Vitthal Wagh ... Petitioners
- Versus*
1. The State of Maharashtra
 2. Smt. Pratidnya Ankush Wagh ... Respondents

Mr. Rameshwar Gite for the Petitioners.

Ms. Meghna Gawalani for the Respondent No.2.

Ms. M. H. Mhatre, APP for the Respondent No.1-State.

***CORAM: REVATI MOHITE DERE &
R. N. LADDHA, JJ.***

DATE : 18th NOVEMBER, 2022

P.C. :-

- . Heard learned counsel for the parties.
2. Rule. Rule is made returnable forthwith with the consent of the parties and the petition is taken up for final disposal. Learned APP waives notice on behalf of the respondent no.1-State and Ms.Gawalani, learned counsel waives notice on behalf of the

respondent no.2.

3. By this petition, the petitioners seek quashing of the FIR registered vide C.R. No. 327 of 2019 with the Sinnar Police Station, Nashik, at the behest of the respondent no.2, for the alleged offences punishable under Sections 354, 509, 352, 201, 323, 504, 506 read with 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, and even according to the learned counsel for the respective parties, the parties are distantly related. It is also not in dispute that there are civil disputes pending between the parties. According to the respondent no.2, the incident took place on 13th September, 2019, when the petitioners as well as the respondent no.2 had gone to the Sinner Court, in connection with their civil suit. The respondent no.2 has stated that during the lunch break, they went to a restaurant, where the petitioners had also come for lunch. It is stated that the

petitioner no.2 threatened, by asking her to withdraw the civil suit and in the process, abused her, used filthy language and touched her inappropriately, and even also slapped her. Pursuant thereto, the respondent no.2 lodged the aforesaid FIR as against the petitioners, alleging the aforesaid offences.

5. After investigation, charge-sheet was filed as against the petitioners and the case is presently pending before the learned Judicial Magistrate First Class, Nashik being RCC No. 164 of 2019.

6. During the pendency of the aforesaid petition, the parties amicably settled their dispute. Accordingly, learned counsel for the respondent no.2 has tendered an affidavit of the respondent no.2- Smt. Pratidnya Ankush Wagh dated 17th November, 2022, duly affirmed before the Notary. To the said affidavit is annexed a photocopy of the Aadhar Card of the respondent no.2 duly attested by her. Learned counsel for the respondent no.2 has identified the respondent no.2 and learned APP has verified the

original Aadhar Card. The said affidavit is taken on record. In the said affidavit, the respondent no.2 has stated that through the well wishers of the family, the dispute has been amicably settled between the parties and as such, she has given no objection for quashing of the aforesaid FIR, registered at her behest. The respondent no.2 is present in person. On being questioned, she reiterates what is stated by her in the said affidavit.

7. Admittedly, with respect to the same incident, there is a cross FIR i.e. C.R. No. 328 of 2019, lodged at the behest of Anita Wagh as against the respondent no.2 and others, for the alleged offences punishable under Sections 354, 509, 323, 504, 506 read with 34 of the Indian Penal Code. By a separate order, passed today, in Criminal Writ Petition No. 1156 of 2021, we have quashed the said C.R., also with the consent of the parties.

8. Considering the nature of dispute, the relations between the parties, the amicable settlement between the parties, the affidavit of the respondent no.2 and the judicial pronouncements in this regard, there is no impediment in allowing the petition.

9. The petition is accordingly allowed and the FIR registered vide C.R.No.327 of 2019 with the Sinner Police Station, Mumbai, and consequently, the proceeding pending before the learned Judicial Magistrate First Class, Nashik, being RCC No. 164 of 2019, are quashed and set aside.

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

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

R. N. LADDHA, J.

REVATI MOHITE DERE, J.

BIPIN
DHARMENDER
PRITHIANI

Digitally signed by
BIPIN DHARMENDER
PRITHIANI
Date: 2022.11.23
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