

Shiv

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

CRIMINAL APPLICATION NO.922 OF 2022

Sahil Sunil Vashisht

...Applicant

Versus

1. The State of Maharashtra

...

2. Sarika Vijaykumar Raina alias
Indira Kumari

...Respondents

Ms. Shraddha Verma for the Applicant.

Mr. K. V. Saste A.P.P. for the Respondent No.1.

Mr. J. R. Kshirsagar for the Respondent No.2.

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

DATE : 6TH OCTOBER 2022

P.C. :

1 Heard 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 A.P.P waives notice on behalf of the respondent No.1-State.

Mr.Kshirsagar, learned counsel waives notice on behalf of the respondent No.2.

3 By this application, preferred under section 482 of the Code of Criminal Procedure, the applicant seeks quashing of the FIR, bearing C.R. No. 37 of 2020 registered with the Oshiwara Police Station, Mumbai, for the alleged offences punishable under Sections 354, 509 and 323 of the Indian Penal Code.

4 Quashing is sought on the premise, that the parties have amicably settled their dispute and the respondent no.2 (original complainant), has no objection to the said quashing.

5. Perused the papers. The applicant and the respondent no.2 were friends and had met each other, on the social media, about six months prior to the incident. It appears that subsequently, some differences arose between the applicant and the respondent no.2, pursuant to which the respondent no.2 cut ties with the applicant. It appears that on 17th January 2020, when the respondent no.2 (original

complainant) had gone with her colleague for tea, the applicant came to the spot, questioned the respondent no.2 and used abusive language against her. The applicant is also alleged to have inappropriately touched the respondent no.2, while pushing her, pursuant to which the aforesaid complaint/FIR was lodged.

6. After investigation, charge-sheet was filed and the case is pending before the learned Metropolitan Magistrate Railway Mobile Court, Andheri, Mumbai bearing C. C. No.611/PW/2020.

7. Learned counsel for the respondent no.2 (original complainant) has tendered an affidavit of the respondent no.2, dated 6th October 2022, duly notarised before the notary. The said affidavit is taken on record. In the said affidavit, the respondent no.2 has stated that she has amicably settled the dispute and as such, has no objection to quashing of the FIR. She has further stated that she has affirmed the said affidavit

without any force, coercion or pressure and on her free will. The respondent no.2 is present in person. She re-iterates what is stated by her in her affidavit. Learned counsel for the respondent no.2 has also tendered a xerox copy of the Aadhar card, duly signed by her, which stands in her maiden name. The same is taken on record. She is identified by her counsel and the original Aadhar card, is verified by the learned A.P.P.

8 Considering the nature of dispute, the amicable settlement between the parties and the consent affidavit of the respondent no.2, there is no impediment in allowing the application.

9 The petition is accordingly allowed and the FIR, bearing C.R. No. 37 of 2021 registered with the Oshiwara Police Station, Mumbai, and consequently the proceeding arising therefrom, being C. C. No. 611/PW/2020 pending before the Metropolitan Magistrate, Railway Mobile Court, Mumbai, 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.

S. M. MODAK, J.

REVATI MOHITE DERE, J.