

Dusane

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3211 OF 2022***

Rahul Madhav Kundar

...Petitioner

Versus

1. The State of Maharashtra

2. Smt. Ashwini Gunjan

...Respondents

BHALCHANDRA
GOPAL DUSANE

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BHALCHANDRA
GOPAL DUSANE
Date: 2022.09.10
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Mr. Ravish Mishra a/w Ms. Sangeeta Mishra for the Petitioner.

Mr. J.P. Yagnik, APP for the Respondent–State

Mr. Chaitanya Patel for Respondent No. 2.

CORAM : REVATI MOHITE DERE &

MADHAV J. JAMDAR, JJ.

DATED : 6th SEPTEMBER 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.
3. By this petition, the Petitioner seeks quashing of F.I.R. No. 135 of 2021 registered with Charkop Police Station, Mumbai. He submits that the Respondent no. 2 has given her no objection for quashing of the said case i.e. F.I.R. and all consequential proceedings arising thereto.

4. Learned counsel for Respondent no. 2- Smt. Ashwini Gunjan states that the Respondent no. 2 has filed her affidavit and that the Respondent No. 2 has no objection if the said Writ Petition is allowed and aforesaid C.R. and all consequential proceedings thereto, are quashed and set aside.

5. Perused the papers. It appears that the Petitioner was prosecuted in connection with CR No. 135 of 2021 registered with Charkop Police Station, at the instance of the Respondent No. 2, for the alleged offences punishable under Sections 509, 188, 504, 506, 269, 271 of the Indian Penal Code alongwith Section 185 of Mumbai Liquor Prohibition Act, Section 51B of Disaster Management Act, 2005, Rule No.11 of Maharashtra Covid-19 Rules.

6. It appears that the incident took place on 20th April 2021, when the Petitioner was found travelling in a car without wearing a mask, by the Respondent no.2. It appears that pursuant thereto, there was a verbal altercation between the two, in which the Respondent no. 2 allegedly abused the Respondent no. 2. After investigation, charge-sheet was filed in the said case.

7. It appears that pursuant to the filing of charge-sheet, the parties have resolved their dispute amicably. The Respondent no. 2 has filed her affidavit stating therein, that she has no objection if the Petition is allowed and the FIR and all consequential proceeding thereto are quashed and set aside. The Respondent no. 2 is present in the Court and she reiterates what is stated by her in the said affidavit dated 14th July 2022.

8. Having regard to the amicable settlement between the parties and having regard to the judgments of the Apex Court in this regard in the matters of *Gian Singh vs. State of Punjab & Anr. and Narinder Singh & Ors. vs. State of Punjab & Anr.*, there is no impediment in allowing the petition. Accordingly, the aforesaid C.R. i.e. 135 of 2021 registered with Charkop Police Station as against the Petitioner as well as all consequential proceeding arising from the said C.R. are quashed and set aside.

9. Accordingly, Rule is made absolute on the aforesaid terms and the Petition is disposed of.

10. All parties to act on authenticated copy of this order.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.