

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2776 OF 2022**

Nilesh Andresh Bhalerao	]	Petitioner
Vs.		
1. State of Maharashtra	]	
2. Ashlesha Jitendra Hule	]	Respondents
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Mr. Jaydeep S. Deo, for Petitioner.

Mr. S.D. Shinde, A.P.P, for Respondent No.1 -State.

Mr. Onkar Gawade, for Respondent No.2.

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**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, J.J.**

DATE : 23 rd 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 the petition is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1 – State. Mr. Gawade, waives notice on behalf of the respondent No.2.

3. By this petition, preferred under Article 226 of the Constitution of India and under section 482 of the Code of Criminal Procedure, the petitioners seek quashing of the First Information Report (for short 'F.I.R') bearing C.R. No.15 of 2018, registered with the Wanawadi Police Station, Pune for the alleged offences punishable under sections 354, 354 (D), 353, 509, 504, 506 (1) of the Indian Penal Code (for short 'I.P.C'). Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers.

5. According to the respondent No.2-original complainant, she is working in Maharashtra Guptwarta Prabodhini, S.R.P.F Group No.1, Ratakadi, Hadapsar as a 'lecturer' to the Police Officers since 2014. She has stated that in the year 2016, Police Officers from Mumbai Police force had come for training at the said Centre. Pursuant thereto, the respondent No.2 got acquainted with the petitioner who at the relevant time was working as a Police Constable with the Mumbai Police Force. It

appears from the said complaint that after the training course was over, the petitioner would call the respondent No.2 and discuss his family problems and personal issues and the respondent No.2 would guide him. In February, 2017, the petitioner had informed the respondent No.2 that he was in love with a lady Police Officer who was serving at the MIDC Police Station, Thane, however, she had refused to marry him. The petitioner requested the respondent No.2 to convince the said lady to marry him, however, the respondent No.2 refused the said request and stated that it was his personal issue and that he should discuss it with his family members. It appears that when the petitioner realized that the respondent No.2 was not helping him, he abused her in an offending language.

6. It appears that on 8th January, 2018, when the respondent No.2 was on duty, sitting with other Police Officers in her office, the petitioner entered the office and told her that he wanted to speak with her and hence, she should come out of the office. When the respondent No.2 refused to step out and asked him to say whatever he wants to say in the presence of all, the petitioner

held respondent No.2's hand and pulled her out of the said room stating that he wanted to discuss something personally with her. The respondent No.2 protested and other officers intervened. Pursuant to the said incident, the respondent No.2 lodged the aforesaid complaint which was registered vide C.R. No.15 of 2018 alleging the aforesaid offence. After investigation, charge-sheet was filed and that the proceeding arising from the said C.R., is pending before the learned Judicial Magistrate First Class, Cantonment Court, Pune bearing R.C.C Case No.946 of 2018. It appears that in the interregnum, the petitioner and the respondent No.2 amicably settled their dispute. Affidavit of the respondent No.2 dated 29th July, 2022 duly affirmed before the Notary is annexed with the Writ Petition at page 68. The respondent No.2, in the said affidavit, has stated that having regard to the petitioner's future prospects and career, she does not wish to proceed with the said case and wanted to put an end to the said proceeding. She has further given her no objection for quashing of the said proceeding i.e R.C.C No.946 of 2018 arising from C.R.No.15 of 2018.

7. The petitioner as well as the respondent No.2 are present. Learned Counsel for the petitioner has tendered an affidavit of the petitioner dated 23rd September, 2022 duly notarized before the Notary. In paragraph 3 of the said affidavit, the petitioner has stated that he always looked upon the respondent No.2 as a senior Officer and his well wisher. It is stated that on 8th January, 2018, when the aforesaid incident took place, the petitioner's intention was only to meet the respondent No.2 privately and inform her about the marriage of the lady with whom he was in love. He has stated that he has cleared the said misunderstandings with the respondent No.2 and that he has neither any ill will towards her nor was it his intention to cause any harm to her. He has further stated in paragraph 4 of the said affidavit that the Police Department had also taken strict action against him and he was arrested in the said C.R and subsequently he was released on bail, after which a departmental inquiry was conducted in which he was awarded punishment i.e his two increments were stopped. He undertakes to act responsibly with the respondent No.2 and other persons in the future.

8. Having perused the allegations, *prima facie*, we are of the view that some of the sections and in particularly 354-D will not apply.

9. Learned Counsel for the respondent No.2 states that the respondent No.2 has no objection to the quashing of the said proceedings. The respondent No. 2 is present in the Court. On being questioned, she reiterates the contents of the said Affidavit. Learned Counsel for the respondent No. 2 has also tendered a self attested xerox copy of the Aadhar card of the respondent No.2. The same is taken on record. Learned Counsel appearing for the respondent No.2 identifies the respondent No.2. Learned A.P.P has also verified the original Aadhar Card of the respondent No.2.

10. The petitioner is also present in the Court. He undertakes not to contact either the lady with whom he was in love or behave again in a similar fashion.

11. Considering the the nature of dispute and the amicable settlement between the parties, as well as the judicial pronouncements in this regard, there is no impediment in allowing the petition.

12. The petition is accordingly allowed and C.R. No.15 of 2018 registered with the Wanawadi Police Station, Pune, as against the petitioner for the alleged offences punishable under sections 354, 354 (D), 353, 509, 504, 506 (1) of the Indian Penal Code is quashed and set aside. Consequent to the quashing of the C.R. No.15 of 2018, the proceeding arising from the said C.R. i.e R.C.C No.946 of 2018 pending before the Judicial Magistrate First Class, Cantonment Court, Pune is also quashed and set aside.

13. Rule is made absolute in the aforesaid terms. Writ Petition is disposed of accordingly.

14. All parties to act upon the authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.] [REVATI MOHITE DERE, J.]