

CRIMINAL WRIT PETITION NO. 3206 OF 2022

...Petitioners

Versus

...Respondents

Mr. Atul Kakade i/b Ms. Manali Kadam for the Petitioners

Mr. J. P. Yagnik, A.P.P for the Respondent No.1–State

Mr. Q. H. Kudle i/b Mr. Rahil Fazelbhoy for the Respondent No. 2

CORAM : REVATI MOHITE DERE &
MADHAV J. JAMDAR, JJ.
WEDNESDAY, 7th 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. Learned A.P.P waives

service on behalf of the respondent No.1–State. Mr. Kudle waives service on behalf of the respondent No.2.

3 By this petition, the petitioners seek quashing of C.R No. 369/2022 registered with the Chembur Police Station, Mumbai, at the instance of the respondent No. 2 for the alleged offences punishable under Sections 506, 509 r/w 34 of the Indian Penal Code.

4 Perused the papers. The respondent No. 2 is the original complainant who has alleged that an incident took place on 25th May 2022 at about 11:30 p.m, when the workers of a developer came to demolish her house. It appears that during the course of the said demolition, there was an altercation between the petitioners and the complainant i.e. respondent No. 2, in which the petitioners are alleged to have abused the respondent No. 2. It appears that pursuant thereto, the parties have amicably settled their dispute and as such, seek quashing of the said case on the ground of amicable settlement between the petitioners and the respondent No. 2. The respondent

No. 2 has filed her affidavit to the said petition in which she has given her no objection to the quashing of the criminal proceedings initiated at her behest. Responding No. 2 is present in Court and re-iterates the contents of the affidavit that she has no objection for quashing of C.R No. 369/2022 registered with the Chembur Police Station, Mumbai. She has tendered xerox copy of her Aadhar Card in support of her identity proof. The same is taken on record. Learned counsel for the respondent No. 2 also identifies her.

5 Considering the nature of dispute, the nature of allegations and having regard to the judicial pronouncements of the Apex Court in *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², there is no impediment in allowing the petition.

6 Petition is accordingly allowed and the C.R No. 369/2022 registered with the Chembur Police Station, Mumbai, at the

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

behest of the respondent No. 2 and all consequential proceedings arising therefrom, are quashed and set-aside.

7 Rule is made absolute in the aforesaid terms. Petition is disposed of.

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

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.