

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

CRIMINAL WRIT PETITION NO. 3381 OF 2022

Ganesh Sadashiva Shetty ... Petitioner
Versus
1. The State of Maharashtra
2. Rochelle Agnelo Fernandes ... Respondents

Mr. Elvis L. Metto, for the Petitioner.
Mr. Y. M. Nakhwa, APP for the Respondent – State.
Mr. Karan Bansode, for Respondent No.2.

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

DATE : 21st 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. Karan Bansode, waives notice on behalf of the respondent No.2.

3 By this petition, the petitioner seeks quashing of the FIR bearing C.R. No. 30 of 2022 registered with the Bhayander Police

Station, Thane, for the alleged offences punishable under Sections 354, 504 of the Indian Penal Code.

4 Quashing of FIR is sought on the ground, that the parties have amicably settled their dispute.

5 Perused the papers. It appears from the complaint/FIR lodged by the respondent No.2, that the aforesaid incident took place when she had gone to the petitioner's house, to resolve the dispute/quarrel between her friend- Shraddha, wife of the petitioner and the petitioner. She has stated that when she went to the petitioner's house, the petitioner's wife informed her that the petitioner was abusing her and when she tried to intervene, the petitioner pointed a finger at her. It appears that when the respondent No.2 told the petitioner not to point his finger at her, he touched her shoulder and pushed her. Pursuant thereto, there was altercation between them i.e. between the petitioner and the respondent No.2, and the FIR is a result of the same.

6 Learned Counsel for respondent No.2 states that the parties

have amicably settled their dispute. Learned Counsel for the respondent No.2 relied on the affidavit of the respondent No.2 dated 8th August, 2022 duly notarized before the Notary and filed in the aforesaid Petition. In para 9 of the said affidavit the respondent No.2 has given her 'no objection' to the quashing of the aforesaid C.R./proceedings, in view of the amicable settlement between the parties.

7 The respondent No.2 is present in person before the Court. On being questioned, she re-iterates what is stated by her in her affidavit i.e. she has no objection for quashing of the FIR bearing C.R.No.0203 of 2021, registered with the Bhoiwada Police Station, Mumbai. Learned counsel for the respondent No. 2 has tendered a self attested xerox copy of the aadhar card of the respondent No. 2 duly attested by her. The same is taken on record. Learned Counsel for the respondent No.2 has identified the respondent No.2 and the learned APP has verified the aadhar card which is tendered today.

8 We do not find any impediment, in quashing the proceeding. Infact, prima facie, in the facts, we are doubtful, whether an offence

under section 354 of IPC is made out, having regard to what is stated in the FIR/complaint.

9 Be that as it may, considering the nature of dispute, the relations between the parties i.e. the petitioner's wife being a friend of the respondent No.2, and the amicable settlement between the parties, we do see any impediment in allowing the Petition. Accordingly, we quash and set aside the FIR bearing C.R. No. 30 of 2022 registered with the Bhayandar Police Station, Thane and proceedings, if any, arising therefrom.

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.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.

REKHA
PRAKASH
PATIL

Digitally signed
by REKHA
PRAKASH PATIL
Date: 2022.09.27
11:12:44 +0530

Rekha Patil