

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

CRIMINAL WRIT PETITION NO. 3438 OF 2022

Herman Thomas D'Cruz

...Petitioner

Versus

1. The State of Maharashtra

2. Maria Clifford D'Sa

...Respondents

Mr. B. G. Saraf i/b Sanjay Associates for the Petitioner

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

Mr. Vaibhav Bagade a/w Mr. Santosh Pawar and Mr. Aman
Kothari for the Respondent No. 2

***CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
THURSDAY, 22nd 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. Bagde waives
service on behalf of the respondent No.2.

3 By this petition, the petitioner seeks quashing of the FIR bearing C.R. No. 858/2021 registered with the Malad Police Station, for the alleged offence punishable under Sections 354, 354(A), 509, 504, 506 of the Indian Penal Code. Quashing is sought on the premise that the petitioner and the respondent No. 2 have amicably settled their dispute.

4 Perused the papers. The incident is alleged to have taken place on 14th October 2021. It is alleged by the respondent No. 2 that the petitioner made certain unwarranted comments against her and also inappropriately touched her. It appears that there is also a complaint lodged by the petitioner's wife alleging the very same offence as against the respondent No.2's husband. It appears that post the filing of the charge-sheet, the parties amicably settled their dispute and entered into consent terms. The said consent terms are at page 38 of the petition. In the said consent terms, the respondent No. 2 has given her consent for quashing of the complaint/FIR, which was

registered vide C.R. No. 858/2021. She has agreed to unconditionally withdraw all the allegations made by her in the aforesaid C.R. It also appears that the petitioner and the respondent No. 2 are neighbours.

5 Respondent No. 2 is present in Court. Learned counsel for the respondent No. 2 has tendered a self-attested xerox copy of the Aadhar Card of the respondent No.2. The same is taken on record. Learned counsel identifies her. Learned A.P.P has verified the original Aadhar Card of the respondent No. 2. The respondent No. 2 reiterates what is stated by her in the consent terms dated 30th August 2022, which is duly affirmed before the Notary. She states that she has no objection for quashing of the FIR bearing C.R. No. 858/2021 registered with the Malad Police Station, at her instance.

6 Considering the fact that the parties are neighbours and reside in the same society, the nature of dispute, the amicable settlement between the parties 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.

7 The petition is accordingly allowed and the FIR bearing C.R. No. 858/2021 registered with the Malad Police Station and all consequential proceedings arising therefrom, are quashed and set-aside.

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

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466