

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

CRIMINAL WRIT PETITION NO. 3843 OF 2022

Rakesh Agarwal.

...Petitioner.

Versus

1. State of Maharashtra.

2. Mehr Lokesh Gurnani.

...Respondents.

Mr. Zain Shroff a/w. Ms. Shaista Pathan and Mr. Vishwam Thaker i/b. Y. & A Legal, advocate for Petitioner.

Mr. J.P. Yagnik A.P.P for the Respondent – State.

Mr. Mithilesh Mishra I/b. Mr. Vikram Sutaria, advocate for respondent No. 2.

***CORAM : REVATI MOHITE DERE &
R.N. LADDHA, JJ.***

DATE : 29th NOVEMBER, 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 notice on behalf of the respondent No.1–State and learned Counsel Mr. Mishra waives

notice on behalf of the respondent No.2.

3 By this Petition, the petitioner seeks quashing and setting aside of the FIR, bearing C.R. No. 23 of 2022, registered with the Colaba Police Station, Mumbai, for the alleged offences punishable under Sections 354, 354-D, 504, 506 of the Indian Penal Code. Quashing is sought on the premise, that the parties amicably settled their dispute.

4. Perused the papers. The Petitioner got acquaintance with the Respondent No. 2(original complainant). According to the Respondent No. 2(original complainant), she met the Petitioner at the wedding function of her friend; that on 20/2/2022, at around 2.30 a.m. midnight in the midst of ceremonies, the Petitioner allegedly came towards her and abused and threatened her and her husband; and thereafter, the Petitioner is alleged to have uttered objectional words at her, thereby outraging her modesty. Pursuant thereto, the respondent No. 2 lodged the aforesaid C.R., as against the Petitioner alleging the aforesaid offences. We are informed that charge-sheet has not been filed in the said case till date.

5. Apart from the aforesaid C.R., there are cross-cases, lodged by the parties against each other, i.e. between the Respondent No.2 and her family on the one hand and her husband and his family on the other(Petitioner is known to the Respondent No.2's husband). By a separate order passed today, we have quashed the proceeding initiated by the respondent No. 2's sister-in-law, as against the Respondent No. 2 and her family members, in view of the amicable settlement between the parties and the consent terms entered into between them.

6. Learned Counsel for the respondent No. 2 has tendered an affidavit of the Respondent No. 2, dated 6th October, 2022, duly notarised before the notary. To the said affidavit is annexed a photocopy of the aadhar card of the Respondent No. 2, duly attested by her. The said affidavit is taken on record. In the said affidavit, the respondent No. 2 has stated that all disputes between her and her family members on the one hand and the Respondent No. 2's husband and his family on the other, have amicably settled their dispute and such have entered into consent terms. All parties have agreed to give their no objection to the quashing of the FIR, in which

they are the complainants.

7. The Respondent No. 2 is present in person. On questioning, she reiterates, what is stated in her affidavit, i.e., she has no objection for quashing of the C.R. initiated at her behest, in view of the amicable settlement between the parties.

8. Considering the nature of dispute, the relations between the parties, the consent terms entered into between them, the affidavit of the respondent No. 2 and 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.

9. The petition is accordingly allowed and the FIR bearing C.R. No.23 of 2022 registered with the Colaba Police Station, Mumbai, for the aforesaid alleged offences is quashed and set-aside.

10. Learned Counsel for the Respondent No. 2 to file his

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

Vakalatnama, if not filed, on behalf of the said respondent, in the registry within two weeks of uploading of this order.

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

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

R.N. LADDHA, J.

REVATI MOHITE DERE, J.