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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4838 OF 2019

Rashid Oomer
Trustee/Director of Jaffer Suleman
Musafirkhana Trust
V/s.
State of Maharashtra and anr.

... Petitioner
... Respondents

Ms Shreni Shetty a/w. Ms Krusha Maheshwari and Ms Kashish
Bijlani i/b ANB Legal for the Petitioner.
Mrs A. S. Pai, PP for the Respondent – State.
Mr. Prashant Kamble for Respondent No.2.

CORAM : NITIN JAMDAR &
N.R. BORKAR, JJ.

DATE : 24 JUNE 2022.

P.C.

. Leave granted to amend the prayer clause to incorporate a challenge to the charge-sheet, which has been filed subsequent to the filing of this petition. Amendment to be carried out forthwith.

2. By this petition, the Petitioner has sought the following prayer:

“a. Issue a writ of mandamus for quashing of the Impugned FIR registered by the Respondent No.1, being FIR No.154/2019 registered on the 17th July 2019;

alongwith the Chargesheet dated 27/8/2019; annexed to compilation of documents (page 10-16)”.

3. The notice was issued to the Respondent No.2 on 3 February 2020. Thereafter, the Respondent No.2 has appeared in the matter. The Respondent No.2 has filed two affidavits; one before the Notary and another before the Officer of this Court giving consent for quashing the FIR, which stand of the Respondent No.2– Complainant is reiterated by the learned Counsel for the Respondent No.2- Complainant. In light of this position, we have examined the matter.

4. The FIR was lodged by the Respondent No.2- Complainant stating that the Respondent No.2 – Complainant was beneficiary of certain financial help extended by a Trust of which the Petitioner was the office bearer. The Respondent No.2- Complainant has alleged that when the Complainant had gone to seek financial help, the Petitioner had made certain remarks which constituted offences under Sections 354(A) and 504 of the Indian Penal Code.

5. In the affidavits now filed, the Respondent No.2 – Complainant stated that she misunderstood what was stated by the Petitioner and does not wish to pursue the matter further and the same has been amicably settled. In the affidavit filed by Respondent No.2, she has made certain statements regarding the *inter se*

disputes in the Trust. We are not proceeding on the basis of those averments made and we are proceeding on the basis of statement made that the Respondent No.2 is regretting her action and that she has misunderstood the remarks of the Petitioner, which stand taken before us is reiterated by learned Counsel for Respondent No.2.

6. Considering this position and the fact that the dispute has been put to an end and that it arose out of misunderstanding as above, case is made out for quashing the FIR as prayed. If the FIR/charge-sheet is not quashed, it will be needless harassment to the parties and it is not likely to result in conviction. The offence does not have large scale implication on the society.

7. Accordingly, Writ Petition is allowed in terms of prayer clause "a". Order accordingly.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)