

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4961 OF 2019

1. Geeta Sunil Pachbhav
2. Sangharsh Sunil Pachbhav
3. Adarsh Sunil Pachbhav ...Petitioners

Versus

1. The State of Maharashtra
2. Snehal Anant Kadam ...Respondents

Mr. Ashwin C. Havelikar for the Petitioners.

Mr. J. P. Yagnik, A.P.P for the Respondent-State.

Mr. Datta Mane a/w Mr. Maruti Sarkar for the Respondent No.2.

**CORAM : REVATI MOHITE DERE &
R. N. LADDHA, JJ.**
DATE : 15th 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. Mr. Datta Mane waives notice on behalf of the respondent No.2.

3. By this petition, the petitioners seek quashing of the FIR bearing C.R. No. 192 of 2019 registered with the Kalamboli Police Station, District Raigad, for the alleged offences punishable under Sections 354, 323, 504 and 509 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. According to the petitioners, the petitioner No.1 is a housewife and mother of petitioner Nos.2 and 3. It appears that the petitioner No.2 is a student and is aspiring to appear for the UPSC examination. As far as petitioner No.3 is concerned, he is stated to be pursuing his MBA from the ITM, Kharghar. It appears that the petitioners and the respondent No.2 (original complainant) are residing in the same society consisting of row-houses. It appears that there was a dispute between the

petitioners' family and the other occupants including the respondent No.2 and her family on account of non-payment of water bills. It appears that during the meeting of the occupants, there was an altercation between the respondent No.2 alongwith her mother on the one hand and the petitioner Nos.1 and 3 including other occupants on the other. The respondent No.2 has alleged that in the said quarrel that ensued, the petitioner No.2 outraged her modesty. Although, it is the case of the petitioner No.2 that he was never present at the time of the incident i.e. when the quarrel ensued, it is not necessary to go into the same, having regard to the fact, that the parties have amicably settled their dispute. It is not in dispute, that after investigation, chargesheet has been filed in the said case and the case is presently pending before the learned Judicial Magistrate, First Class, Panvel, being R.C.C.No. 416 of 2020 (MHRG05-001533-2020).

5. During the pendency of the aforesaid proceeding, the parties amicably settled their dispute. Learned Counsel for the respondent No.2 has tendered an affidavit of the respondent No.2

dated 15th November, 2022, duly affirmed before the Assistant Registrar, High Court. To the said affidavit, is annexed a photocopy of the Aadhar Card of the respondent No.2, duly signed by her. The said affidavit is taken on record. In the said affidavit, the respondent No.2 has stated that there was a sudden altercation between two families, pursuant to which, the incident took place. Learned Counsel for the respondent No.2 submits that the parties are residing in the same society and as such, the respondent No.2 has no objection to the quashing of the said FIR/proceeding, registered at her behest.

6. The respondent No.2 is present in person. On questioning, she re-iterates what is stated by her in her affidavit i.e. she has no grievance as against the petitioners. The respondent No.2 has been identified by her Counsel. The original Aadhar Card of the respondent No.2 is verified by the learned APP.

7. Considering the nature of dispute, the amicable settlement between the parties, the affidavit of the respondent No.2 and the judicial pronouncements in this regard, there is no impediment in

allowing the petition.

8. The petition is accordingly allowed and the FIR bearing C.R. No. 192 of 2019, registered with the Kalamboli Police Station, Raigad, and consequently, the proceeding pending before the learned Judicial Magistrate, First Class, Panvel, being R.C.C. No. 416 of 2020, are quashed and set-aside.

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

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

R. N. LADDHA, J.

REVATI MOHITE DERE, J.