

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

CRIMINAL APPLICATION NO. 103 OF 2020

Sachin Narendra Pevekar

...Applicant

Versus

1. The State of Maharashtra

2. Shweta Laximan Thodhe

...Respondents

Mr. Gautam Kanchanpurkar for the Applicant

Mr. J. P. Yagnik, A.P.P for the Respondent No.1-State

Ms. Priya Patil for the Respondent No. 2

PSI Mr. Vijay Mohite from Parksit Police Station, Vikhroli (West), is present

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
FRIDAY, 13th JANUARY 2023**

P.C :

1 At the outset, learned counsel for the applicant seeks leave to remove the Whats App messages which are at Exhibit `B` Colly. from the application. Leave granted. Amendment to be carried out forthwith.

2 Heard learned counsel for the parties.

3 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.
Ms. Priya Patil waives notice on behalf of the respondent No.2.

4 By this application preferred under Section 482 of the
Code of Criminal Procedure, the applicant seeks quashing of the FIR
registered vide C.R. No. I-619/2019 with the Parksite Police Station,
Vikhroli (West), Mumbai, for the alleged offences punishable under
Sections 354, 420 and 506 of the Indian Penal Code. Quashing is
sought on the premise that the applicant and the respondent No. 1
have amicably settled their dispute.

5 Perused the papers. According to the respondent No.2
(original complainant), she was in a love affair with the applicant for
about 15 months, prior to the registration of the aforesaid FIR. The

parents were informed of the said relationship, pursuant to which, the parents of the respondent No. 2 and applicant met each other to decide the future course of action with respect to the marriage. It appears that in November 2019, a quarrel took place between the applicant and respondent No. 2 on account of some issue. It appears that the respondent No. 2 sent Whats App messages to the applicant's uncle informing him that she did not want to keep any relation with the applicant and refused to marry him. According to the respondent No.2, the applicant came to her house on 06.11.2019 and inappropriately touched her on her waist and thighs. Pursuant thereto, the aforesaid complaint was lodged.

6 After investigation, charge-sheet was filed in the said case and the case is presently pending before the learned Metropolitan Magistrate, 31st Court, at Vikhroli, Mumbai being C.C. No. 197/PW/2020.

7 In the interregnum, during the pendency of the

proceeding, the parties amicably settled their dispute and decided to put a quietus to the same.

8 Learned counsel for the respondent No. 2 has filed an affidavit of the respondent No. 2 dated 13.01.2023, duly notarized before the Notary. To the said affidavit is annexed a photocopy of the Aadhar Card of the respondent No.2. In the said affidavit, the respondent No. 2 has stated that she has no objection to the quashing of the FIR/proceeding initiated at her behest against the applicant, in view of the amicable settlement between her and the applicant. She has stated that she has got married to some other boy and has settled in life and as such, does not wish to proceed with the said FIR. The said affidavit is taken on record.

9 Respondent No. 2 is present in Court. Learned counsel for the respondent No.2 identified her. Learned A.P.P has verified the original Aadhar card of the respondent No.2. On being questioned, the respondent No.2 reiterates what is stated by her in her affidavit.

10 Considering the nature of dispute, the amicable settlement arrived at between the parties, the affidavit of the respondent No.2 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, since we are satisfied that the consent is free and without coercion, there is no impediment in allowing the application.

11 The application is accordingly allowed. The FIR bearing C.R. No. I-619/2019 registered with the Parksite Police Station, Vikhroli (West), Mumbai, as against the applicant and consequently, the proceeding pending before the learned Metropolitan Magistrate, 31st Court, at Vikhroli, Mumbai being C.C. No. 197/PW/2020, are quashed and set-aside.

12 Rule is made absolute in the aforesaid terms.
Application is disposed of accordingly.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.