

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

CRIMINAL WRIT PETITION NO. 1505 OF 2022

Vinay Shreedhar Waghmare

Age: 22 Years, Occupation-Student,

Residing at: 2/27, 1st Floor,

Sabu Siddique Road, Behind Manish Market,

Mumbai – 400 001.

... Petitioner

Versus

1. The State of Maharashtra

(At the instance of Matunga

Police Station, Mumbai)

2. Miss XYZ,

Age: 37 Years, Occupation – Advocate,

Residing at 702/56/B, Chintamanai CHSL

MHADA Colony, Pratiksha Nagar,

Mumbai – 400 022.

... Respondents

....

Mrs Vijaya Ingule for the Petitioner.

Mrs M. M. Deshmukh, APP for the Respondent No.1 -State.

....

***CORAM: NITIN W. SAMBRE &
R. N. LADDHA, JJ.***

DATE : 28 FEBRUARY 2023.

Order (Per R. N. Laddha, J.) :-

At the outset, the learned Counsel for the Petitioner seeks to leave to amend to delete the name of the victim girl wherever it appears in the petition and replace it with the alphabet 'XYZ'.

2. Heard learned counsel for the parties.

3. Rule. The Rule is made returnable forthwith, with the consent of and at the request of the learned counsel for the parties.

4. By this Criminal Writ Petition, the Petitioner seeks the quashing of FIR bearing C.R.No.200 of 2016 registered against him at Matunga Police Station, Mumbai, dated 2.7.2016, at the instance of Respondent No.2 for the offences punishable u/Ss 354(A)(1)(4) and 506 of the Indian Penal Code. Quashing is sought on the premise that the parties have amicably settled their dispute.

5. It is the case of the prosecution that on 2.7.2016 at about 5.16 p.m., Respondent No.2, along with others was proceeding towards her home from a Honda City car. When they reached Ruia Junction, Dr B.A.Road, Matunga (East),

Mumbai, the Petitioner/Accused, who was riding his motorcycle, collided with the said Honda City car. The Accused then intentionally made sexually coloured remarks towards the Respondent No.2.

6. Perused the papers. It revealed from the record that Respondent No.2 is Advocate by profession. When this petition for quashing the impugned FIR was placed before us, it was stated by the learned Counsel for the Petitioner and Respondent No.2 that the dispute has been amicably settled. Accordingly, Petitioner and Respondent No.2 filed a Consent Terms. The learned Counsel for the Petitioner submitted that no purpose would be served by keeping the prosecution alive, given the settlement between the parties. They submitted that the present case is squarely covered by the law laid down by the Hon'ble Supreme Court in *Gian Sing Vs State of Punjab & Anr.*¹ and *Narinder Singh & Ors Vs. State of Punjab & Anr.*²

7. Learned APP for Respondent No.1 submits that appropriate orders may be passed.

1 (2012)10 SCC 303.

2 (2014)6 SCC 466.

8. It revealed from the record that Respondent No.2 and the Petitioner had filed a copy of the Consent Terms stating that they had amicably settled their dispute. Given the settlement between the parties, Respondent No.2/original Complainant in this petition will not support the prosecution case. The accusation would be flawed, and allowing criminal prosecution to continue would be an abuse of the process of law. It will also disrupt the compromise and interfere with the restoration of peace. Nothing fruitful will, therefore, come out of the prosecution in question. Respondent No.2 is present before the Court and stated that she has no objection if the impugned FIR against the Petitioner is quashed, given the settlement between them. On questioning, the Petitioner and Respondent No.2 reiterated what was said by them in the Consent Terms. Learned APP has verified their original Aadhar Card.

9. Considering the peculiar facts and circumstances of the case, we see no difficulty in quashing the impugned FIR and the proceedings emanating therefrom. Accordingly, the criminal Writ Petition is allowed. The impugned FIR, vide C.R.No.200 of 2016, registered at Matunga Police Station, Mumbai, and the proceedings arising therefrom vide criminal

case No., PW/2117 of 2016, pending on the file of 30th Court of Additional Metropolitan Magistrate, Kurla, Mumbai, are quashed and set aside.

10. Rule is made absolute in the above terms.

[*R. N. LADDHA, J.*]

[*NITIN W. SAMBRE, J.*]