

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3720 OF 2019

Ramawatar Babulal Jajodia

... Petitioner

Versus

1. State of Maharashtra

2. Shubhangi Shinde

... Respondents

Mr. Ashok Kumar Mishra a/w Mr. Anil Mishra, for the Petitioner.

Mr. K. V. Saste, APP for the Respondent No.1 – State.

Mr. Ashok Kushwaha i/b R. K. Legal and Solutions, for the
Respondent No.2.

CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.

DATE : 27th JANUARY, 2023.

P. C. :

Heard learned Counsel for the parties.

2 Vide order dated 17th September, 2019, Rule was granted and
ad-interim relief was granted i.e. investigation to continue, however,
charge-sheet not to be filed.

REKHA
PRAKASH
PATIL

Digitally signed
by REKHA
PRAKASH PATIL
Date: 2023.02.08
10:39:54 +0530

Rekha Patil

3 This Court whilst admitting the said Petition had prima-facie made certain observations in the order dated 17th September, 2019. It was observed that a perusal of the FIR makes it prima-facie clear that there are two factions in the said club and the relations between the petitioner and the accused, on one side, and the respondent and the office bearers, on the other, are not cordial. It was further observed that it was prima-facie clear that the FIR does not disclose the offence punishable under Section 354 of the IPC.

4 Learned Counsel for the petitioner and the respondent No.2 state that during the pendency of the aforesaid petition, the parties have amicably settled their dispute and as such, the respondent No.2 has no objection to the quashing of the FIR registered at her behest.

5 By this Petition, preferred under Article 226 of the Constitution of India and under Section 482 of the Code of Criminal Procedure, 1973, the petitioner seeks quashing and setting aside of the FIR, bearing C.R.No. 170 of 2019 registered with the Juhu Police Station, Mumbai, for the alleged offences punishable under Sections 354, 509 and 506 of the Indian Penal Code.

6 The respondent No.2 (original complainant) has alleged that the incident took place on 22nd April, 2019 at about 4:00 p.m. when she was sitting in her cabin. She has alleged that the petitioner, who is the Chairman of the Club, his son, one General Manager of the Club and one Senior Manager of the Club entered her cabin alongwith two unknown persons. She has alleged that the petitioner held her hand and pulled her and as such, touched her inappropriately. She has stated that because of the said action of the petitioner, she stumbled and sat in another chair. As noted above, this Court, whilst admitting the petition granted interim relief vide order dated on 17th September, 2019, in favour of the petitioner, after making certain observations.

7 Be that as it may, during the pendency of the aforesaid Petition, the parties amicably settled their dispute and decided to put a quietus to the same. Learned Counsel for the respondent No.2 has filed a consent affidavit of the respondent No.2 dated 22nd December, 2022, duly notarized before the Notary. In the said affidavit, respondent No.2 has stated that she has settled the dispute with the petitioner and as such, has no objection to the quashing of

the FIR. She is present in person. On being questioned, she reiterates what is stated by her in her affidavit. She is identified by her Counsel. Learned Counsel has also tendered a photocopy of the Aadhar Card of the respondent No.2 duly attested by her and the original is verified by the learned APP.

8 Having regarding to the nature of the dispute, the amicable settlement between the parties and the affidavit of the respondent No.2, no useful purpose would be served by continuing with the investigation of the C.R.

9 Accordingly, the Petition is allowed and the FIR bearing C.R.No. 170 of 2019, registered with the Juhu Police Station, Mumbai, as against the petitioner is quashed and set aside.

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

11 Learned Counsel for the petitioner, on instructions of the petitioner, states that the civil suit filed by the petitioner will be

withdrawn by the petitioner at the earliest and in any event within three weeks. Statement accepted.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.