

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4658 OF 2022**

1. Ramesh Gangaram Vasala	]	
2. Ashok @ Venkatesh Gujjeti	]	
3. Vinod Venkatadri Gujjeti	]	Petitioners
Vs.		
1. The State of Maharashtra	]	
2. Shaila Rajesh Pasi	]	Respondents

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Mr. Narendra C. Panthagani, for Petitioners.

Mr. K.V. Saste, A.P.P, for Respondent No.1-State.

Mr. S.B. Shenoy, for Respondent No.2.

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**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, J.J.**

DATE : 30th JANUARY, 2023.

ORDER: [Per Prithviraj K. Chavan, J.]

1. Heard.

2. Rule.

3. Rule is made returnable forthwith, with the consent of the parties. Petition is taken up for final disposal.

4. Learned A.P.P waives notice on behalf of respondent No.1-State and Mr. Shenoy, learned Counsel waives notice on behalf of respondent No.2.

5. By this petition under Article 226 of the Constitution of India and section 482 of Code of Criminal Procedure Code, 1973 (for short 'Cr. P.C'), the petitioners seek quashing of the First Information Report (for short "F.I.R") registered vide C.R. No.1036 of 2022 with Worli Police Station, Mumbai for the alleged offences punishable under sections 354, 354-B, 509, 504, 506, 323 r/w 34 of the Indian Penal Code (for short "I.P.C"). Quashing is sought on the premise that the parties have amicably settled their dispute.

6. Briefly stated, facts are as follows.

7. Respondent No.2- Shaila Rajesh Pasi is the first informant. The petitioners and respondent No.2 are neighbours. They reside in Building No.17, Worli 52 Chawl, Pandurang Budhkar Marg, Worli, Mumbai - 400 018. Respondent No.2's husband is a Salesman at Andheri. On 31st August, 2022, at about 6.00 a.m, respondent No.2's husband - Rajesh called respondent No.2 and informed that

the petitioners have picked up a quarrel with his brother - Dinesh Pasi. When respondent No.2 along with her son - Amit went to the said floor of the chawl, they noticed Dinesh Pasi being assaulted by all the three petitioners. When respondent No.2 and her son tried to intervene, petitioners No.2 and 3 opposed respondent No.2. Petitioner No.2 outraged her modesty by touching her inappropriately. He also abused her in filthy language. Police had arrived on the spot and took Dinesh Pasi, Ajay, Amar and Amit at the Police Station. Respondent No.2 too took her torn maxi to the Police Station in order to inform the Police about an assault on her as well as the incident of outraging her modesty by the petitioners. It is, *inter alia*, alleged in the F.I.R by respondent No.2 that the quarrel was triggered as *ragoli* drawn outside the house of the petitioners was accidentally erased by the brother-in-law of respondent No.2.

8. A cross case has also been registered vide F.I.R No.1037 of 2022 on the same day with the same Police station by Sujata Ramesh Vasala against Dinesh Pasi, Amar Pasi, Ajay Pasi and Amit Pasi.

9. Both, petitioners and respondent No.2 have now amicably settled their dispute *inter se* and arrived at consent terms in light of the fact that they have been residing in the neighbourhood since last several years. They do not want to precipitate the matters. According to the parties, the disputes *inter se* are between themselves and has no social impact.

10. Consent terms entered into between the parties are annexed to the petition at 'Exhibit B', at pages No.15 and 16. The consent terms are signed by the petitioners and respondent No.2. Both parties undertake to maintain peace and tranquility in the area. The parties have no objection to quashing the proceedings initiated against each other.

11. Learned Counsel for respondent No.2 has tendered an affidavit of respondent No.2 dated 10th December, 2022, duly notarized before the Notary. The said affidavit is taken on record. In the said affidavit, respondent No.2 has stated that they have decided to withdraw all the allegations made against each other.

12. Respondent No.2 is present in the Court. On being questioned, respondent No.2 reiterates what is stated by her in her affidavit. Learned Counsel for respondent No.2 has tendered photostat copy of the Aadhar Card of respondent No.2 duly attested by respondent No.2. The same is taken on record. Learned Counsel for respondent No.2 has identified respondent No.2 and the learned A.P.P has also verified the original Aadhar Card of respondent No.2.

13. Considering the nature of the dispute, the fact that the parties live in the same vicinity, the amicable settlement between the parties in view of the consent terms arrived at between them, affidavit of respondent No.2 and having regard to the judicial pronouncements of the Apex Court in the case of **Gian Singh Vs. State of Punjab and another¹** and **Narinder Singh and others Vs. State of Punjab and another²**, there is no impediment in allowing the petition.

14. The petition is accordingly allowed. The F.I.R bearing C.R. No.1036 of 2022 registered with Worli Police Station, Mumbai, as against the petitioners is quashed and set aside.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

15. Each petitioner to deposit a sum of Rs.2500/- with the **Mumbai Police Welfare Fund bearing Account No.465010100008693, IFSC No.UTIB0000465**, as costs. The said costs to be deposited within four weeks from today.

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

17. Matter be listed on **6th March, 2023**, for recording compliance regarding deposit of costs.

18. All the parties to act upon an authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]