

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4659 OF 2022**

1. Dinesh Sampat Pasi	]	
2. Amar Rajesh Pasi	]	
3. Ajay Rajesh Pasi	]	
4. Amit Rajesh Pasi	]	Petitioners
Vs.		
1. The State of Maharashtra	]	
2. Sujata Ramesh Vasala	]	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.1037 of 2022 with Worli Police Station, Mumbai for the alleged offences punishable under sections 354, 352, 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 - Sujata Ramesh Vasala 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. It is alleged by respondent No.2 - Sujata Vasala that on 31st August, 2022, she had drawn *rangoli* in front of her house. Petitioner No.1-Dinesh Pasi was carrying a pipe over *rangoli*. Respondent No.2 objected him to do so. It is alleged that petitioner No.1-Dinesh Pasi had replied whether he should carry the said water pipe on his head. Thereafter, there was exchange of hot words between respondent No.2 and petitioner No.1 - Dinesh. Petitioner No.1 - Dinesh had called petitioners No.1, 2,3 and 4. Abuses were hurled from both sides. It is alleged that petitioner No.1-Dinesh had slapped respondent No.2 by abusing her in filthy language. Maternal uncle of respondent No.2-Ashok called the Police by dialing 100 number. Both the parties approached the Police and lodged reports against each other.

8. A cross case has also been registered vide F.I.R No.1036 of 2022 on the same day with the same Police station by Shaila Pasi against Ramesh Vasala and others.

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 her. The same is taken on record. Learned Counsel for respondent No.2 has identified her 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.1037 of 2022 registered with Worli Police Station, Mumbai, as against the petitioners, is quashed and set aside.

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

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

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.]