

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

CRIMINAL WRIT PETITION NO. 3152 OF 2019

Vinod Sharma ...Petitioner
Versus
The Senior Inspector Of Police And Ors. ...Respondents

**WITH
INTERIM APPLICATION NO.626 OF 2019**

Jayashri Fakirchand Sonwane ...Applicant
Versus
Viinod Sharma And Ors. ...Respondents

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Mr. Amit Desai, Sr. Advocate a/w Mr. Gopalakrishna Shenoy, Mr. Rohan Dakshini, Ms. Pooja Kothari i/by M/s. Rashmikanth and Partners, Advocate for the Petitioner.

Mrs. M.M.Deshmukh, Addl.APP for the Respondent – State.

Mr. Niranjana Mundargi a/w Ms. Keral Mehta, Advocate for Respondent No.2.

Mr. Vinod Sharma, Regional Director (Northern Region) present in person.

Mr. Narayan Anbbhule, PSI, Marine Drive Police Station.

Mr. Kashid, ACP, Investigating Officer, Colaba Division.

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**CORAM : PRAKASH D. NAIK, &
N. R. BORKAR, JJ.**

DATE : 18th APRIL, 2024.

P.C.:

1. Not on board. Taken on board.
2. The Petitioner is arraigned as Accused in the First Information Report (for short 'FIR') dated 5th March, 2019

registered with Marine Drive Police Station, Mumbai vide C.R. No. 31 of 2019 for offence under Section 506(2) r/w 34 of Indian Penal Code (for short 'IPC') and Section 3(1)(r), 3(2)(7) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. The impugned FIR was registered at the instance of Respondent No.2. It was alleged that Accused had abused the complainant on the basis on her caste.

4. Learned Advocate for the Petitioner submitted that the parties have resolved the dispute. The departmental inquiry was conducted against the Petitioner by the Ministry of Corporate Affairs, New Delhi and he was exonerated from the charges. At the relevant time when the alleged offence was committed the Petitioner was the Registrar of Company. Subsequently, he was appointed as Joint Director, Serious Fraud Investigation Office, Mumbai and presently he is Regional Director, Northern Region at Delhi. It is submitted that the co-accused Manmohan Juneja was also high ranking public servant. At the relevant time he was working as Regional Director, Western Region, Ministry of Corporate Affairs and subsequently he retired as Director General of Ministry of Corporate Affairs.

5. Learned Advocate for Respondent No.2 submitted that the complainant is present in the Court. She has filed affidavit. She has no objection for quashing the proceedings against both the Accused.

6. The complainant has confirmed the contents of affidavit and stated that the impugned FIR can be quashed with her consent.

7. In the affidavit of Respondent No.2, it is stated that she do not wish to pursue the present case. She had intimated the ACP regarding her intentions to close the complaint and grievance against every person named in the subject FIR. She has also lodged the compliant with SC and ST Commission and the said complaint has been closed vide Order dated 11th May, 2022. The affidavit is filed by her without any force, coercion or misrepresentation and she would be bound by the Order passed on the basis of present affidavit. The Affidavit is taken on record.

8. Since, the complainant has no objection for quashing the impugned FIR, the impugned FIR can be quashed with her consent.

ORDER

- i. Criminal Writ Petition No. 3152 of 2018 is allowed;
- iii. The Impugned Order dated 27th February, 2019 passed in SC and ST Miscellaneous Application No.1580 of 2018 and the

consequential FIR dated 5th March, 2019 registered with Marine Drive Police Station, Mumbai vide C.R. No. 31 of 2019 are quashed and set aside.

iii. Petition stands disposed off.

iv. Interim Application stands disposed off accordingly.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)