

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3648 OF 2024**

Deep Singh Gurudayal Singh Devgun,
Aged 40 years, Occu: Service,
Resident of Room No.9, Krishna Cottage,
Lane No.3, Sahar Road, Near Garware, Koldongri,
Andheri (East), Mumbai – 400 069.

.....Petitioner

Vs.

1. The State of Maharashtra,
(To be served upon the Govt. Pleader
High Court, Bombay.)
2. Rose Chandrashekar Kattimani,
Age – 36 years, Occu: Service,
Residing at Lokhandwala, Andheri (West),
Mumbai – 400 053.

.....Respondents

Mr. Mishra Rajendra Prasad, for the Petitioner.
Smt. Madhavi H. Mhatre, APP, for Respondent No.1-State.
Mr. Surendrapratap Yadav, for Respondent No.2.
WPSI Ms. Shilpa Davekar, Oshiwara Police Station, Mumbai present.

**CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.**

DATE : 26th AUGUST, 2024.

P.C.:-

- 1) The Petitioner seeks to quash FIR No.537 of 2024 dated 8th May 2024 registered with Oshiwara Police Station for offences punishable under Sections 354, 354-D, 509, 323, 427 and 506 of the Indian Penal Code, 1860 ('IPC').
- 2) It is the contention of the parties that there was a relationship

between the Petitioner and the Respondent No.2 which turned sour on account of some discord and misunderstanding between them leading to registration of the impugned FIR.

3) Mr. Rajendra Prasad Mishra, learned Counsel appears for the Petitioner and Mr. Surendrapratap Yadav, learned Counsel appears for the Respondent No.2. Smt. M.H.Mhatre, learned APP represents the State.

4) The Counsels of both the parties state that the parties have now cleared their misunderstanding and are desirous of settling the matter. The Respondent No.2 has filed a Consent Affidavit dated 12th July 2024 duly affirmed before a Notary Public. She has stated in the Affidavit that the dispute between herself and the Petitioner is amicably settled and she does not wish to lead any evidence before the trial Court in the crime. She has thus given her no objection for quashing of the subject crime.

5) The Respondent No.2 is present in the Court and through her counsel, has reiterated the statements made by her in the affidavit. We accept the statements.

6) In view thereof, we are inclined to quash FIR No.537 of 2024 dated 8th May 2024 registered with Oshiwara Police Station for offences punishable under Sections 354, 354-D, 509, 323, 427 and 506 of the IPC.

7) As we expressed our opinion for quashing of FIR No.537 of 2024 dated 8th May 2024 registered with Oshiwara Police Station, learned Counsel for the Petitioner on instructions submitted that, the Petitioner will

pay a cost of Rs.15,000/- to the Armed Forces Battle Casualties Welfare Fund within a period of two weeks from the date of uploading of the present Order on the official website of High Court of Bombay. The said statement is accepted as an undertaking to the Court.

8) In view thereof, we direct Petitioner to pay the cost as noted herein above to the Armed Forces Battle Casualties Welfare Fund within a period of two weeks from the date of uploading of present Order on the official website of High Court of Bombay.

8.1) Details of the bank account for payment of cost are as under :-

Name of Fund	:- Armed Forces Battle Casualties Welfare Fund.
Bank Name	:- Canara Bank
Branch Name	:- South Block, Defence Headquarters, New Delhi-110011.
Account Number	:- 90552010165915
IFSC Code	:- CNRB0019055
Type of Acct	:- Saving

9) Petitioner to deposit the said cost within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

10) In view of above and subject to payment of cost, Petition is allowed in terms of prayer clause (a).

11) It is made clear that, if the said cost is not paid within stipulated period by the Petitioner, the Petition shall stand revived automatically and in that event, the Investigating Agency will complete the

investigation of present crime expeditiously.

12) List the Petition on board on 18th September 2024, under caption 'for reporting compliance' of present Order.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

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signed by
SHAMBHAVI
NILESH
SHIVGAN
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