

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 476 OF 2025****Jaikeshav Sanjeev Mishra & Ors. Petitioners****VERSUS****The State of Maharashtra & Anr. Respondents**

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Mr. Steve J. Pulikkoden a/w. Mr. Aniket Sawant, Ms. Nidhi Jain,
Ms. Noor Jehan Shaikh for the Petitioners.

Mr. A. A. Palkar, A. P. P. for the State – Respondent No.1.

Mr. Abhishek Kulkarni for the Respondent No.2.

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**CORAM : RAVINDRA V. GHUGE AND
RAJESH S. PATIL, JJ.**

DATE : 21st January, 2025

Judgment (Per Ravindra V. Ghuge, J) :-

1. It is said that Civic sense and Civic responsibility is of paramount importance to maintain peace and tranquility and is the backbone of the Rule of Law.

2. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

3. This is a case wherein there are allegations against the Petitioners (all Accused) of having disturbed public peace and tranquility while travelling in a double decker sleeper coach in an over night journey from Mumbai to Chhatrapati Sambhajanagar. Respondent No.2, a practicing Advocate of the High Court, Bench at Aurangabad was one of the passengers in the said bus, travelling from Mumbai to Chhatrapati Sambhajanagar on 26th June, 2018. He is the Complainant/Informant who has registered FIR No. 219 on 6th September, 2018 with the Mumbai Police Station at Sion.

4. Considering the order that we are passing by consent of the parties, we are not recording the entire contents of the FIR in this order. Suffice it to say that these three Petitioners are alleged to have started a drinking session (alcohol) after boarding the bus at Sion Circle. The Complainant had boarded the bus at Carnac Bunder, PMC Bank. They are alleged to have been in high spirits. The Complainant interacted with them with the intention of convincing them to lower down their voices and restrict their chit-chatting unto themselves. It is alleged that after half of a large bottle was consumed, these three persons had abused the Complainant in foul and filthy language.

5. These three persons have now interacted with the Complainant and it is agreed that the matter would be settled and the FIR would be quashed by consent. A photostat copy of the Deed of Compromise dated 20th August, 2024 is at page nos. 171 to 177.

6. The learned Advocate for the Petitioners submits on instructions that, to show their bonafides and to make their remorse and regret evident, they are depositing Rs.50,000/- each, in this Court and the Complainant Respondent No.2 may withdraw the said amount. Such amount would be deposited by each of them in this Court within 30 days from today.

7. The learned Advocate for the Petitioners submits on instructions that the amount of Rs.50,000/- each, would be deposited in this Court within 30 days from today. These three Petitioners assure that no such incident would occur in their lives and they would respect co-passengers and fellow travelers in whichever journey they may undertake. They express their remorse and regret and say 'Sorry' to the Complainant who has magnanimously decided to forgive and forget the

issue.

8. The learned Advocate Shri Kulkarni, representing Respondent No.2, who is his colleague, and who is assisting the Court, submits that the Complainant has agreed to close the issue keeping in view that these Petitioners are well educated persons, two of them are Architects and one of them is an Engineer. All of them are doing well in life. Six years have passed by and considering that the criminal trial would consume even more time and the Petitioners are likely to be disturbed and their professional careers are likely to be jeopardised, that he would consent for quashing of the FIR.

9. In view of the above and keeping in view the law laid down by the Hon'ble Supreme Court in *Narinder Singh & Ors. vs. State of Punjab & Anr., (2014) 6 SCC 466*, this Criminal Writ Petition is allowed in terms of prayer clause (b), which reads as under :-

(b) This Hon'ble Court may call for the records of the proceedings in the Case No. PW/1357/2019, lying before the 51st MM Court at Kurla, arising out of C.R No. 219 of 2018 on the files of Sion Police Station, and set aside/quash the said proceedings;

10. We direct the Registry that after the amount is deposited, Respondent No.2 would be at liberty to withdraw the said amount without conditions.

11. Rule is made absolute in the above terms.

12. List this Petition for recording compliance on **28th February, 2025.**

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)