

JPP

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

CRIMINAL WRIT PETITION NO. 2259 OF 2018

Dr. Ankur Jyotindra Shah

... Petitioner

V/s.

State of Maharashtra and Ors.

... Respondents

Mr. Sandeep Sherkhane for the Petitioner

Mr. J.P. Yagnik, APP for the Respondent - State

Ms. Priyanka Chhabria for the Respondent No.2

***CORAM : NITIN JAMDAR &
SARANG V. KOTWAL, JJ.***

DATE : 20 DECEMBER 2021

P.C. :-

Heard the learned Counsel for the Parties. Taken up for disposal forthwith.

2. The Petitioner, though not named in the FIR thus has approached this Court as he is considered as an accused by the Investigating Agency.

3. By this Petition by quashing the FIR which is registered by the Respondent No.2 under Section 66(C) and (D) of the Information Technology Act and under Section 500 of the Indian Penal Code.

4. The reason for seeking quashing of the FIR is that the Petitioner and the Respondent No.2 have resolved their dispute. Even the other person involved has also resolved the dispute. This fact is confirmed by the learned APP, on instructions.

5. The complainant i.e. the Respondent No.2's son, aged 12 years taking education in a school in Mumbai in 2017. When the Respondent No.2's son gone to the school, a girl student had confronted him stating that he was sending messages to her from an Instagram Account to which the Respondent No.2's son told her that he has not sent any message neither any Instagram Account with that name is created. Upon that the girl student showed him the display picture on Instagram Account which shows the photo of the Respondent No.2's son. The Investigating Police Authority traced the internet activity to the IP address of the Petitioner. The name of Aryan, who is the son of the Petitioner is mentioned in the FIR. On the allegation that some unknown person has opened an Instagram Account and has sent the message to the girl projecting it as sent by the son of the Respondent No.2, the FIR was lodged.

6. The Respondent No.2 has sworn an affidavit, contents of which have been confirmed by the learned Counsel for the Respondent No.2 that in the interest of studies of all the students involved and that he has no grievance against the Petitioner or any person and some unknown person has misused the IP address of the Petitioner is giving consent of quashing of the FIR.

7. We have considered the submissions made and the contents of the FIR. All three, that is the son of the Respondent No.2, son of the Petitioner and the girl, are young school going children. The affidavit is filed by the Respondent No.2 stating as above, according to us in these circumstances when the issue has been resolved. The incident also does not have repercussion on the society at large. Keeping the prosecution pending will be harmful to the future of the students and it will be in the interest of justice to quash the FIR.

8. Accordingly, the FIR bearing No. 9 of 2018 registered at Santacruz Police Station, Mumbai is quashed. The Writ Petition is accordingly allowed in terms of prayer clause (a). Order accordingly.

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.

**JYOTI
PRAKASH
PAWAR**

Digitally signed
by JYOTI
PRAKASH
PAWAR
Date: 2021.12.22
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