

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

CRIMINAL APPLICATION NO.574 OF 2020

Mahesh Hiro Khamlani

... Applicant

Vs.

Nimisha Jitu Chauhan & another

... Respondents

Ms.Nazneen Khatri for the Applicant

Mr.Deepak Thakare, Public Prosecutor with Mrs.Sangeeta Shinde,
APP, for Respondent – State

**CORAM: S.S. SHINDE &
MANISH PITALE, JJ.**

DATED: APRIL 22, 2021

P.C.:

1. This Application is filed praying therein for the following
substantive prayer:

“(a) This Hon’ble Court be pleased to quash and set aside the FIR/Complaint lodged by the Respondent No.1/Orig. Complainant Nimisha Jitu Chauhan, with Versova Police Station, Mumbai vide C.R. No.246 of 2019 under section 354, 354 (A), 509, 323 of IPC on such terms and conditions as this Hon’ble Court may deem fit and proper.

2. Learned Counsel appearing for the Applicant and the Respondent No.1 jointly submit that the parties have amicably settled the dispute and, therefore, the impugned First Information Report may be quashed.

3. We have carefully perused the allegations in the First Information Report. The ingredients of the alleged offences are attracted. The outcome of this Application will have effect upon the interest of the society. There are serious allegations in the impugned First Information Report which would attract the ingredients of the offences punishable under sections 354, 354(B), 509 and 323 of the Indian Penal Code. In that view of the matter, we are unable to persuade ourselves to accede to the prayer of the applicant, joined by respondent No.1, to quash the First Information Report on the basis of such amicable settlement.

4. Even otherwise on merits, no case is made out to accede to the prayer made in the application.

5. The application is, therefore, rejected.

(MANISH PITALE, J.)

(S.S. SHINDE, J.)