

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPLICATION NO.576 OF 2022**

**Bhavesh Rajendra Devavat** ] **Applicant**  
**Vs.**

**1. The State of Maharashtra** ]

**2. Jasmin Tehsin Ali Panjwani** ] **Respondents**

.....

Mr. Kapil Rathod a/w Mr. Harshad Mandke, Ms. Bhoomika Lodha and Mr. Heenesh A. Rathod, for Applicant.

Ms. S.S. Kaushik, A.P. P, for Respondent No.1-State.

Ms. Kanchan Talreja a/w Mr. Abhishek Jani, Mr. Prashant Mairale i/ b Ambrun Shaikh, for Respondent No.2.

Mr. M.B. Patel, P.S.I, Nagpada Police Station, Mumbai.

.....

**CORAM : REVATI MOHITE DERE &  
PRITHVIRAJ K. CHAVAN, J.J.**

**DATE : 2<sup>nd</sup> March, 2023.**

**P.C.**

1. Heard learned Counsel for the parties.

2. Rule. Rule is made returnable forthwith, with the consent of the parties and the application is taken up for final disposal.

Learned A.P.P waives notice on behalf of respondent No.1-State.

Ms. Talreja, learned Counsel waives notice on behalf of the respondent No.2 (original complainant).

3. By this application, preferred under section 482 of the Code of Criminal Procedure, 1973 (for short "Cr. P.C"), the applicant seeks quashing of the First Information Report (for short "F.I.R") registered vide C.R. No. 357 of 2021 with the Marine Drive Police Station, Mumbai, for the alleged offences punishable under sections 354-A (1) and 509 of the Indian Penal Code (for short "I.P.C") and consequently, the proceeding pending before the learned Metropolitan Magistrate, (8th Court) Esplanade Court, Mumbai, being Case No.800250/PW/2022. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4. Perused the papers. According to the respondent No.2, at the relevant time, she was serving with "Meta Tiles Pvt. Limited". She has stated that father of the applicant had given friendly loan to "Meta Tiles Pvt. Ltd" and that after the demise of the applicant's father in 2020, the authorized signatory of "Meta Tiles Pvt. Ltd" had approached the applicant for settlement of the outstanding dues to the tune of Rs.15,50,000/-. According to the respondent No.2, the applicant made a call on the mobile number of Anand Shah, authorized signatory of Meta Tiles Pvt. Ltd and asked for repayment of the entire amount. According to the respondent

No.2, again on 28th September, 2021, the applicant called Mr. Anand Shah, however, since Anand Shah was busy, she answered the call. She has alleged that since she heard certain abusive language, she filed the aforesaid complaint alleging the aforesaid offences, as against the applicant. It appears that there was a cross connection when the applicant made a call on Mr. Anand Shah's mobile and it was not the applicant, who uttered the abusive language, but the said abusive language was uttered by some third person in the cross connection. It appears that there is a audio clip in respect of the said conversation, which shows that when the applicant called Anand Shah, the said call was interrupted by a cross connection. It appears that the said misunderstanding was cleared between the applicant and the respondent No.2, pursuant to which, the parties decided to amicably settle the dispute and put a quietus to it.

5. Learned Counsel for the respondent No.2 has tendered an affidavit of the respondent No.2 dated 2nd March, 2023, duly notarized before the Notary. To the said affidavit, is annexed a self attested photocopy of the Aadhar Card of the respondent No.2. In the said affidavit, the respondent No.2 has stated that the matter is

amicably settled and as such, she has no objection to the quashing of the aforesaid F.I.R/proceeding, in view of the amicable settlement between the parties. Respondent No.2 is present in Court. On being questioned, she reiterates what is stated by her in her affidavit. Learned Counsel for the respondent No.2 has identified the respondent No.2 and the learned A.P.P has also verified the original Aadhar Card of the respondent No.2.

6. Considering the nature of dispute, the amicable settlement between the parties, affidavit of the respondent No.2 and having regard to the judicial pronouncements of the Apex Court in the case of **Gian Singh vs. State of Punjab & Anr.**<sup>1</sup> and **Narinder Singh & Ors. vs. State of Punjab & Anr.**<sup>2</sup>, there is no impediment in allowing the application.

7. The application is accordingly allowed and the FIR bearing C.R. No.357 of 2021 registered with the Marine Drive Police Station, Mumbai and consequently, the proceeding pending before the learned Metropolitan Magistrate, (8th Court) Esplanade Court, Mumbai, being Case No.800250/PW/2022, are quashed and set aside.

---

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

8. Rule is made absolute in the aforesaid terms. Application is disposed of accordingly.

9. All concerned to act on the authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]