



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4277 OF 2024

Uma Nishad Mohammedbhai SelotPetitioner
Vs.
The State of Maharashtra & Anr.Respondents

Mr. Amogh K. Karandikar, for the Petitioner.
Mr. Sukanta A. Karmarkar, APP for Respondent No.1-State
Mr. J. S. Jankhandi, for Respondent No.2

**CORAM : SARANG V. KOTWAL AND
DR. NEELA GOKHALE, JJ.
DATE : 17th DECEMBER 2024.**

P.C.:-

1) The Petitioner is seeking quashing of the F.I.R being C.R. No.329 of 2024 dated 24th July 2024 registered with with R.A. Kidwai Marg Police Station, Mumbai for offence punishable under Section 78(1) of the Bhartiya Nyaya Sanhita, 2023.

2) The Petitioner and the Respondent No.2 were friends living in the same locality. The Respondent No.2 has alleged in her F.I.R that on 24th July 2024, while she was going from her home towards the Sewree Station, the Petitioner followed her and tried to intercept her on the way. He caught her hand and tried to talk to her. She shouted for help, but he told her not to shout as he wanted to

speak to her. When she returned home, she was frightened and she confided in her grandfather who was 73 years of age. The Petitioner did not stop following her even thereafter. Thus, it is her complaint that from 24th June 2024 till 11th July 2024 the Petitioner misbehaved with her and caught her hand and continued to follow her and stalk her. She has thus filed the present F.I.R.

3) The investigation is completed and charge-sheet has been filed. There is a statement of a lady who has witnessed the Petitioner and Respondent No.2 quarreling with each other on the road.

4) During the pendency of this proceeding, the parties and their family members have settled the matter and have decided to resolve the dispute between Petitioner and Respondent No.2.

5) Pursuant to their decision, the Respondent No.2 has placed on record an Affidavit dated 27th November 2024 duly affirmed before a Notary Public. She is present in Court today and identified by her counsel. In her Affidavit, she has stated something contrary to the contention of the F.I.R. She has admitted that she and the Petitioner were in relationship and they were known to each other quite well. She states that it is only out of a misunderstanding between the parties, that she was angry and therefore she filed the impugned F.I.R.

- 6) We have perused the record of the proceeding.
- 7) There are some photographs showing a close acquaintance between the Petitioner and Respondent No.2. There are also some whatsapp chats between the parties on record. From the photographs, chats and her own admissions in the Affidavit, it is clear that the parties were in relationship with each other and the F.I.R was only out of a misunderstanding as stated in the affidavit. Now she states that since the family members of both the parties have decided to amicably resolve the dispute, she has no objection, if the F.I.R and the criminal proceeding arising therefrom are quashed and set aside. In paragraphs No.7 of her Affidavit, she has specifically averred that she has no objection for quashing the F.I.R and the proceeding.
- 8) In view of the aforesaid discussion, it is clear that there was a friendly relationship between the parties and the F.I.R and the criminal proceeding have commenced only out of misunderstanding between the parties and now Respondent No.2 herself does not wish to continue with the said proceeding. In that view of the matter, continuance of the proceeding against the Petitioner will be nothing but an abuse of the process of law. The Criminal proceedings are likely to result in an acquittal since the Respondent No.2 herself has

no grievance and is reluctant to continue the said proceeding.

9) In that view of the matter, we have no hesitation in quashing the F.I.R and the criminal proceeding arising therefrom. Thus, the F.I.R being C.R. No.329 of 2024 dated 24th July 2024 registered with with R.A. Kidwai Marg Police Station, Mumbai is quashed and set aside.

10) The Writ Petition is accordingly disposed of.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)