

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

CRIMINAL WRIT PETITION NO. 1966 OF 2024

Mohit Chandar Khosla

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Satyam H. Nimbalkar i/b. Hrishikesh Ghorpade a/w.
Harshwardhan M. Pawar for Petitioner.

Mr. B.V. Holambe Patil, APP for State/Respondent.

Ms. Swapana P. Kode, for the Respondent No.2.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.**

DATE : 11 FEBRUARY 2025

PC :

1. This is a petition for quashing of the F.I.R. registered vide C.R.No.652 of 2016 at Hadapsar police station, on 29.09.2016, under section 354-A of the I.P.C. and the resultant R.C.C.No.507 of 2017 pending before the J.M.F.C., Cantonment, at Pune.

2. The F.I.R. is lodged by the Respondent No.2. At this stage, the charges are framed, but the evidence has not started.

3. The F.I.R. mentions that the informant and the Petitioner were residents of the same society. The incident had occurred on 28.09.2016. It is her allegations that, while entering the lift, the Petitioner touched her inappropriately thereby outraging her modesty; attracting the provision of Section 354-A of the I.P.C. The investigation was carried out and the charge-sheet was filed. The charge-sheet contains the statements of other residents of the society including the son of the informant. However, the actual incident is known to the informant herself.

4. Now the matter is settled between the parties. The Respondent No.2 has tendered her Affidavit. She has stated that, she came to know that the Petitioner was suffering from kidney ailment and was on dialysis in the year 2019. He was also suffering from high blood pressure. It is mentioned in the F.I.R. that the incident might have occurred because of the fluctuating blood pressure of the petitioner. She has stated that, she is ready to withdraw all the allegations on humanitarian ground. The petitioner was her neighbour and they have settled the matter. The Respondent No.2 has specifically given her no objection for

quashing of the F.I.R. She appeared before the Court through the video conferencing. The Respondent No.2 is identified by her learned counsel who is present in the Court. She has reiterated the statements made in the affidavit. She has stated that both of them are neighbours and she did not wish to continue with these proceedings.

5. The incident between the parties was purely personal in nature. The informant does not want to proceed with the prosecution. Though, the charges are framed, the parties have settled the matter. The evidence has not yet started. No purpose will be served in continuation of the proceedings. Therefore, we are inclined to allow this petition.

6. Hence, the following order:

ORDER

- i) The F.I.R. registered vide C.R.No.652 of 2016 at Hadapsar police station, on 29.09.2016, under section 354-A of the I.P.C. and the resultant R.C.C.No.507 of 2017 pending before the J.M.F.C., Cantonment, at Pune, are quashed and

set aside.

ii) The writ petition is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)