

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

Writ Petition No. 4312 OF 2024

Satish N Chikne And Anr. ... Petitioners
V/s.
The State Of Maharashtra And Anr. ... Respondents.

Adv. Mrunmai Kulkarni a/w Adv. Sujay Shingade – Advocate for
Petitioners.

Adv. Jaiprakash Dhanuka – Advocate for Respondent No. 2.
S. R. Agarkar – APP for the Respondent No. 1-State.

Complainant through V.C. present
PSI Mahesh Shelke – Oshiwara Police Station, Mumbai

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

DATE : 7th April 2025.

P.C. :

This is a petition for quashing of the proceedings pending before Judicial Magistrate, 1st Railway Court, Andheri, Mumbai vide C.C.No.2304/PW/2024 arising out of C.R. No.634/23 registered at Oshiwara Police Station on 20th July, 2023 under Sections 354-A and 34 of the Indian Penal Code.

2. Heard Ms. Mrunmai Kulkarni, learned Counsel for the Petitioners, Mr. Jaiprakash Dhanuka, learned Counsel for the Respondent No.2, Mr. Agarkar, learned APP appearing for the State.

3. The FIR is lodged by the Respondent No.2. She has stated that there was theft of her luxury car on 3rd November 2022 from her building. For that purpose she has registered C.R. No.185/2023 under Section 379 at Oshiwara Police Station. Both the Petitioners were agents of the Insurance Company from whom the first informant had taken insurance policy. The Petitioners were investigating her claim for insurance in respect of theft of that car. The allegations are in respect of the alleged incident dated 11th July 2023 which had taken place at around 10.30 a.m. It is mentioned in the FIR that the Petitioners had gone to the building of the Respondent No.2 and they were present at the parking lot where the car was parked when it was stolen. It is her case that the Petitioner No.2 had deliberately touched her inappropriately. Both of them were looking at her with bad intention. They were referring to her married life. Because of this discussion the informant became uncomfortable and she lodged her FIR.

4. Now the matter is settled between the parties. The Respondent No.2 has filed her affidavit giving specific no objection for quashing of these proceedings. She has stated in her affidavit that she did not want to proceed with the proceedings as the disputes between the Petitioners and herself were settled amicably. She has further stated that both the parties wish to move further in life and they do not wish to further precipitate the proceedings. The Respondent No.2 appeared through video conferencing. She is identified by her learned Counsel. She reiterated the contents of the affidavit filed by

her. She stated before the Court that she has absolutely no objection for quashing of these proceedings.

5. The incident was between the first informant-Respondent No.2 and the Petitioners. She has decided to move ahead and settle the matter between the parties. In this situation it would be in the interest of justice that the prosecution against the Petitioners is quashed and set aside. The Respondent No.2 herself does not wish to proceed further. In this situation, we are inclined to allow this petition. Hence, the following order:

ORDER

- (i) The Writ Petition is allowed.
- (ii) The F.I.R. registered vide C.R. No.634/23 with Oshiwara Police Station on 20th July, 2023 under Sections 354-A and 34 of the Indian Penal Code and the consequent proceedings pending before Judicial Magistrate, 1st Railway Court, Andheri, Mumbai vide C.C.No.2304/PW/2024 are hereby quashed and set aside.

5. The Writ Petition stands disposed of accordingly.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J)