

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

CRIMINAL WRIT PETITION NO. 4723 OF 2024

Manoj Santosh Kanojiya

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Umesh S. Iyer for Petitioner.

Mr. S. V. Gavand, APP for State/Respondent.

Mr. Jitendra Jagtap a/w. Rahul Patil for the Respondent No.2.

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

DATE : 2 APRIL 2025

PC :

1. This is a petition filed for quashing of the proceedings arising out of the F.I.R. registered vide C.R.No.474 of 2024 at Worli police station, on 12.10.2024, under sections 303(2) of the Bhartiya Nyaya Sanhita, 2023.

2. The F.I.R. is lodged by the Respondent No.2. He has stated that on 11.10.2024, he was going from Prem Nagar to Gandhi Nagar on his two wheeler. He had kept his mobile phone for charging in the slot provided in his two wheeler itself. He

stopped at a signal at Worli Naka. He was looking at some quarrel which was going on nearby. Taking the advantage of the situation, somebody stole his mobile phone. The informant tried to search for his phone, but he did not find it. Therefore, he lodged this F.I.R. against an unknown person. The investigation was carried out. The petitioner was shown as an accused in the offence. It is the prosecution case that, he had stolen that mobile phone when the informant was looking elsewhere. Therefore, he is facing the prosecution. During the investigation the mobile phone was recovered from the petitioner and was returned to the informant.

3. Now, the parties have settled the issue. The Respondent No.2 has filed his Affidavit giving his consent for quashing the F.I.R. He has stated that, there was settlement/compromise between him and the petitioner and that he did not have any objection if the F.I.R. is quashed.

4. The Respondent No.2 is present in the Court. He is identified by his learned counsel. He reiterated the contents of the Affidavit. He stated before the Court that he has no objection if the

F.I.R. is quashed.

5. The dispute between the parties is personal in nature. The informant had lost his mobile phone because of the theft committed by the petitioner. He has received it back. He does not want to pursue this matter further. There are no antecedents against the petitioner. Considering the stand taken by the informant and since the informant has not suffered any loss, we are inclined to allow this petition.

6. Hence, the following order:

O R D E R

- i) The F.I.R. registered vide C.R.No.474 of 2024 at Worli police station, on 12.10.2024, under sections 303(2) of the Bhartiya Nyaya Sanhita, 2023, is quashed and set aside.
- ii) The petition is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)