

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.5976 OF 2024

Niraj A. Kumar
Aged 48 years, Occ. Engineer
A Resident of Puerto Rico, USA,
Having Permanent Address at URB
Garden Hills, R4 Calle Jardin
Guaynabo, PR-00966

... Petitioner

V/s.

1. State of Maharashtra
(at the instance of Bhoiwada Police Station
in connection with C.R. no.424 of 2024)

2. Manju Bala Dudeja
1505/B, Ashoka Towers, Dr. S.S. Rao Road,
Near ITC Grand Central Hotel,
Parel, Mumbai-400 012.

... Respondents

Mr. Nikita Mandaniyan for the Petitioner, through V.C.

Mrs. Kranti T. Hiwrale, A.P.P. for Respondent No.1-State.

Mr. Rushikesh Salkar for Respondent No.2.

CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.

DATE : 13th NOVEMBER 2025

Oral Judgment (Per Revati Mohite Dere, J.)

1) Heard Ms. Nikita Mandaniyan, learned Counsel for the Petitioner, through V.C. and learned Counsel for the respective Respondents.

2) Rule. Rule is made returnable forthwith with the consent of both the parties and is taken up for final disposal. Mrs. Kranti Hiwrale, learned A.P.P. waives notice on behalf of Respondent No.1-State and Mr. Rushikesh Salkar, learned Counsel waives notice on behalf of Respondent No.2.

3) By this Petition, the Petitioner seeks quashing of the F.I.R. registered vide C.R.No.424 of 2024 with the Bhoiwada Police Station, Mumbai, against the Petitioner, for the alleged offence, punishable under Section 72 of the Bharatiya Nyaya Sanhita (hereinafter referred to as “BNS”). Quashing is sought on the premise, that the Petitioner and the Respondent No.2-Manju Bala Dudeja, have amicably settled their dispute.

4) Perused papers. The Petitioner is the brother-in-law of the

Respondent No.2. According to the Respondent No.2, on 28th October 2024, the Petitioner and her husband visited the Respondent No2's house, accompanied by the society's guard and neighbour; that the Petitioner's brother started collecting household items and that the Petitioner started recording a video in his mobile phone, despite the Respondent No.2 requesting the Petitioner, not to record the same. The Respondent No.2 (original complainant), has further alleged that she snatched the Petitioner's mobile phone in order to restrain him from recording video, however, the Petitioner held her hand and pushed her out of the house and as such, while doing so, touched her inappropriately. Pursuant thereto, the Respondent No.2 lodged the aforesaid FIR as against the Petitioner, alleging the aforesaid offence.

5) After investigation, chargesheet was filed in the said case and the case being C.C. No.72/PW/25 is presently pending before the Metropolitan Magistrate, 29th Court, Dadar, Mumbai.

6) During the pendency of the aforesaid proceeding, the parties, i.e. the Petitioner and the Respondent No.2, amicably settled their dispute. Pursuant thereto, Respondent No.2-Manju Bala Dudeja, has filed her

Affidavit. In the said Affidavit, Respondent No.2 has stated that she has decided to withdraw all the allegations leveled by her against the Petitioner in the aforesaid C.R. and that, she has no objection to the quashing of the F.I.R./chargesheet and the proceeding, which is pending against the Petitioner.

7) The Respondent No.2 appeared before us through V.C. Learned Counsel appearing for the Respondent No.2 has tendered the PAN card and driving licence of the Respondent No.2. The same are taken on record. The Respondent No.2 has been identified by her Counsel, who is present in Court.

8) Considering the nature of the dispute, relations between the parties and the judgments of the Apex Court in *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², there is no impediment in allowing the Petition. Accordingly, we quash and set aside the F.I.R. registered vide C.R.No.424 of 2024 with the Bhoiwada Police Station, Mumbai, the chargesheet and consequently, the proceeding, being C.C. No.72/WP/2025, pending before the Metropolitan

¹ (2012) 10 SCC 303

² (2014) 6 SCC 466

Magistrate, 29th Court, Dadar, Mumbai.

9) The Petitioner to deposit a cost of Rs.25,000/- (Rs. Twenty Five Thousand Only), with the Mumbai Police Welfare Fund, bearing Account No.465010100008693, Bank Name : Axis Bank, Branch : Upper Govind Nagar, IFSC No.UTIB0000465, within two weeks from today.

10) Petition is allowed. Rule is made absolute in the aforesaid terms and the Petition is disposed of accordingly.

11) Petition be placed on **4th December 2025**, for recording the compliance of the Order of payment of costs.

12) All parties to act on the authenticated copy of this Order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)