

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

CRIMINAL APPLICATION NO. 1173 OF 2024

Shahabuddin N. Khan & Anr.

..Applicants

Versus

The State of Maharashtra & Ors.

..Respondents

Mr. Shailesh Kharat for the Applicants.

Ms. Sangita E. Phad, APP for State/Respondent.

Mr. Manoj Gupta a/w. Ms. Chanchal Mohite for the Respondent No.2.

**CORAM : SARANG V. KOTWAL &
SHYAM C. CHANDAK, JJ.**

DATE : 29 SEPTEMBER 2025

PC :

1. This is an application for quashing of the F.I.R. registered vide the C.R.No.266 of 2024 at Oshiwara police station, on 23.02.2024, under sections 354, 509, 323 and 504 r/w. 34 of the I.P.C. We are informed that the charge-sheet is filed and prayer is made for quashing of the entire proceedings. It is not necessary to refer to the allegations in the F.I.R. because the parties have settled their dispute.

2. The Respondent No.2 has filed this F.I.R. There is also cross F.I.R. at the same police station registered vide C.R.No.263 of

2024 on the same day i.e. on 23.02.2024 under exactly the same sections. The F.I.R. lodged by the Respondent No.2 refers to a transaction of selling a room of the first informant. The room was situated at Behrambaug, Jogeshwari. According to the first informant, he had agreed to sell that room for Rs.10 lakhs. This transaction was agreed on in December 2022. Till filing of the F.I.R. the purchaser lady had paid Rs.3 lakhs. Major amount was still unpaid. The informant i.e. the Respondent No.2 asked that purchaser lady to pay the balance amount. He showed his willingness to return the money and cancel the deed. At that time, the purchaser lady demanded back more amount than what she had paid. The incident in question took place on 22.02.2023. The purchaser lady called the Respondent No.2 at Jogeshwari. The present Petitioner No.1 was her uncle and the Petitioner No.2 was their friend. At that time, a quarrel took place. The Respondent No.2 and his wife were abused. There are allegations that the Petitioner No.1 pushed the Respondent No.2's wife i.e. the Respondent No.3 by touching her chest. On these allegations the F.I.R. was lodged.

3. Now, the matter is completely settled between the parties. Both the Respondent Nos.2 and 3 have filed their separate affidavits. The allegations U/s.354 of the I.P.C. are made with reference to the Respondent No.3. She has also filed her Affidavit. It is taken on record. Both are present in the Court. They are identified by their learned counsel. Both of them have stated in their separate affidavits that this application be allowed as the matter is settled between the parties.

4. Considering this situation, no purpose would be served in continuing with the prosecution. Therefore, we are inclined to allow this application.

5. Hence, the following order:

O R D E R

- i) The F.I.R. registered vide the C.R.No.266 of 2024 at Oshiwara police station, on 23.02.2024, under sections 354, 509, 323 and 504 r/w. 34 of the I.P.C. and the consequent proceedings, are quashed and set aside.
- ii) The Application is disposed of.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)