

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1243 OF 2025

1. **Yasmeen Akiluddin Naik**

Age : 38 Years, An Indian Inhabitant,
Residing at : Almas Heights, Room No.206,
Almas Colony, Near National School,
Mumbra, Thane : 400 612.

2. **Ayesha Ibrahim Shaikh**

Age : 26 Years, Occupation : Advocate,
Residing at : Silver Park, Room No.102,
B Wing, Rashid Compound, Kausa,
Mumbra, Thane : 400 612.

3. **Shabana Ibrahim Shaikh**

Age : 48 Years, Occupation : Service,
Residing at : Silver Park, Room No.102,
B Wing, Rashid Compound, Kausa,
Mumbra, Thane : 400 612.

4. **Zafar Nomani Anwar Shaikh**

Adult Indian Inhabitant,
Residing at : 702/A, Vision Apartment,
Shadi Mahal Hall Road, Amrut Nagar,
Kausa, Mumbra, Thane : 400 612.

...Petitioners

Versus

1. **The State of Maharashtra**

(At the instance of Vashi Police Station
vide C.R. No.39 of 2022).

2. **Sadab Salim Khan**

Age : 31 Years, Adult Indian Inhabitant,
Residing at : Room No.988, SS/3,
Sector No.5, Koparkhairane,
New Mumbai : 400 709.

...Respondents

Mr.Arun Rajput a/w Mr.Viral Mukte – Advocates for Petitioners.
Mr.J.P.Yagnik – APP for Respondent No.1 – State.
Mr.Vishnu Wani – Advocate for Respondent No.2.

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

DATE : 10th MARCH 2025

P.C. :

1. This is a Petition for quashing of the proceedings pending vide R.C.C. No.1342 of 2022 pending before the Judicial Magistrate First Class – Belapur arising out of C.R. No.39 of 2022 registered at Vashi Police Station under Sections 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code, 1860 (“**IPC**”).

2. Heard learned counsel Mr.Arun Rajput for the Petitioners, learned APP Mr.J.P.Yagnik for Respondent No.1 – State and learned counsel Mr.Vishnu Wani for Respondent No.2.

3. Learned counsel for the Petitioners seeks leave to amend to correct the name of the Petitioner No.1 in the cause title. Leave to amend is granted. Amendment be carried out forthwith.

4. The F.I.R. is lodged on 12th February 2022 by the Respondent No.2. He was working as the Duty Manager with the Regenza Hotel Tunga, Sector No.30-A, Vashi, Navi Mumbai. On 10th December 2021, the Petitioner No.1 made a phone call on the hotel's phone number and told the Respondent No.2 that they wanted two rooms for three days. She informed the Respondent No.2 that they had also transferred Rs.75,000/- (Rupees Seventy Five Thousand) in the hotel's account held with Axis Bank. On 10th December 2021 at about 8.20 p.m., all the Petitioners came there and occupied the two rooms. They were occupying the rooms till 10.00 p.m. on 12th December 2021. They left the hotel without checking out. They telephonically informed the Respondent No.2 that they were not coming back. The Respondent No.2 told them that the hotel had not received the bill amount. The F.I.R. thereafter goes on to mention that the Petitioners made some excuses and even gave two cheques. But, the amount was never given to the hotel and therefore, this F.I.R. was lodged. The investigation was carried out. It contains the statements of the other employees of the hotel and the bank statements etc.

5. Now, the matter is settled between the parties. The Respondent No.2 has filed an Affidavit-in-Reply in which, he has mentioned, that the Petitioners have paid the due amount and therefore, he did not want to proceed against the Petitioners. He had given his specific consent and “No objection” for quashing of these proceedings.

The Respondent No.2 is present in the Court. He is identified by his learned counsel.

6. The Respondent No.2 reiterated the contents of the Affidavit and stated before the Court that he has no objection for quashing of these proceedings. The dispute between the parties is purely commercial and personal in nature. The society at large is not involved. The Respondent No.2 stated before the Court that their hotel has received the entire due amount and they did not want to proceed further with the prosecution.

7. Considering the situation, we are inclined to allow this Petition. Hence, following order:-

O R D E R

(i) The R.C.C. No.1342 of 2022 pending before the

Judicial Magistrate First Class – Belapur arising out of C.R.No.39 of 2022 registered with Vashi Police Station are quashed and set aside.

8. With these observations, the Petition is disposed of.

(S.M.MODAK, J.)

(SARANG V. KOTWAL, J.)