

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

CRIMINAL WRIT PETITION NO. 4905 OF 2025

Mayur Shantilal Motani

.... Petitioner

v/s.

The State of Maharashtra and anr.

.... Respondents

Mr. Burzim Bharucha a/w. Mr. Kaushal Popat, Ms. Ruchi Pawar i/b.
White and Brief Advocates and Solicitors for the Petitioner.

Ms. Sangeeta Phad, APP for the Respondent No.1 – State.

Mr. Utsav Dalal for Respondent No.2.

Mr. Mayur Motani, Petitioner is present in Court.

Ms. Bhavika Dungershi Gada, Respondent No.2, present in Court.

Mr. S.K. Ghuge, PSI, V.P. Road Police Station, present.

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

DATED : 22nd SEPTEMBER, 2025

P.C. :-

. This is a Petition for quashing of the proceedings arising out of C.R.No.206/2018 dated 15/08/2018 registered at V.P. Marg Police Station, Mumbai under Sections 354(D), 506(2), 507 and 509 of the Indian Penal Code and Section 67-A of the Information Technology Act, 2000.

2) Heard Mr. Burzim Bharucha, learned Counsel for the Petitioner, Ms. Sangeeta Phad, learned APP for Respondent No.1 – State and Mr. Utsav Dalal, learned Counsel for Respondent No.2.

3) The Petition is filed for quashing of these proceedings by consent. In view of the settlement between the parties, it is not necessary to refer to the allegations in the FIR in detail. Briefly stated, the allegations are

that, the Respondent No.2 who had lodged the FIR was married to her husband in the year 2009 but they were divorced in the year 2013. She was in search of a job. Around August, 2015 she had contacted the Petitioner telling him about her search for work. She had started working as Interior Designer with one firm from 17/01/2016. Around that time, she came in touch with the Petitioner. They used to meet often. She came to know that the Petitioner's wife had deserted him. He was alone.

On 14/02/2016, the Petitioner expressed his love for the Respondent No.2. She accepted his feelings but subsequently, she realized that their natures were not compatible. Therefore, she refused to marry him. The Petitioner did not take her refusal kindly. He started harassing her.

4) The Respondent No.2 first lodged C.R.No.49/2017 at V.P Marg Police Station. But, even after that the harassment continued, therefore, she lodged the second FIR *vide* C.R.No.65/2017 at V.P Marg Police Station. The Petitioner was arrested in connection with C.R.No.65/2017 between 23/03/2017 to 01/04/2017. Once he was released on bail in connection with C.R.No.65/2017, again the Petitioner started making phone calls on the Respondent No.2's mobile phone number, landline number and her mother's mobile phone number. He also kept sending messages. Therefore, the Respondent No.2 again lodged the FIR on similar allegations in the past, *vide* C.R.No.102/2017. Again the Petitioner started making phone calls to her. Therefore, she lodged the fourth FIR *vide* C.R.No.109/2017.

Even after that, he continued with the harassment. Thereafter, she has mentioned the incidence which had taken place in March, 2018 and July, 2018. Again the Petitioner had sent some objectionable messages to her. He continued expressing his obsession with her. Therefore, again she was left with no option but to lodge the FIR. Therefore, she again lodged the present FIR *vide* C.R.No.206/2018.

5) Both the learned Counsel submitted before the Court that the Petitioner and the Respondent No.2 have moved on in their lives and they are leading their peaceful lives. The Respondent No.2 has re-married her first husband and is residing with him happily with their child. Similarly, even the Petitioner is married now. It is his second marriage. Therefore, there is no interference from the Petitioner in the life of the Respondent No.2. In this background, the Respondent No.2 has given her no objection for quashing of these proceedings. She has filed her Affidavit-in-reply giving her no objection for quashing not only these proceedings but other proceedings initiated by her.

6) The Respondent No.2 is present in the Court. She is identified by her learned Counsel. She reiterated the contents of the Affidavit before the Court and submitted that she has no objection for quashing of the proceedings. She submitted that there is no apprehension in her mind that any such incident would be repeated. The Petitioner is also present in the Court. He assured the Court that he is living his separate life with his wife

and there shall be no further disturbance.

7) Considering this background and the stand taken by the Respondent No.2, no purpose will be served by continuing the criminal prosecution. Therefore, in the interest of the parties and in the interest of justice, we are inclined to allow this Petition. Hence, the following Order :-

(a) The proceedings arising out of the FIR registered at V.P. Marg Police Station, Mumbai *vide* C.R.No.206/2018 dated 15/08/2018 under Sections 354(D), 506(2), 507 and 509 of the Indian Penal Code and Section 67-A of the Information Technology Act, 2000, are quashed and set-aside.

8) Considering that the Police had to investigate five offences, we are inclined to impose cost on the Petitioner. Therefore, further Order is passed as follows :-

The Petitioner shall deposit cost of Rs.50,000/- (Rupees Fifty Thousand) to the Armed Forces Battle Casualties Welfare Fund within a period of three months from today. The details of the bank account for payment of cost are as under :-

Account Name	:- Armed Forces Battle Casualties Welfare Fund
Bank Name	:- Canara Bank
Branch Name	:- South Block, Defence Headquarters, New Delhi – 110 011
Account Number	:- 90552010165915
IFSC Code	:- CNRB0019055

9) The Petitioner shall produce a receipt of such payment before

the Registry of this Court. If such receipt is produced, there shall be no further reference to the Court but if the amount is not deposited and the receipt is not produced, the Office shall place this Petition and the connected four Petitions which we have disposed of today before the Court for further consideration and in that situation, all the five Orders shall be liable to be recalled. All these Criminal Writ Petition Nos.4887/2025, 4898/2025, 4900/2025 and 4909/2025 shall be tagged with the present Writ Petition in case the payment, as directed, is not made by the Petitioner.

10) The Petition is disposed off.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)

**PREETI
HEERO
JAYANI**

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by PREETI
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Date: 2025.09.26
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