

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

CRIMINAL WRIT PETITION NO. 4909 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.102/2017 dated 15/05/2017 registered at V.P. Marg Police Station, Mumbai under Sections 354(D) and 500 of the Indian Penal Code and Section 67 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) At the first instance, the Respondent No.2 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 present FIR on similar allegations in the past, *vide* C.R.No.102/2017.

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.102/2017 dated 15/05/2017 under Sections 354(D) and 500 of the IPC and Section 67 of the Information Technology Act, 2000 are quashed and set-aside.

8) The Petition is disposed of.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)

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JAYANI

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