

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

CRIMINAL APPLICATION (APL) NO. 772 OF 2025

Mr. Damodar P. Madkaikar

... Applicant

Vs.

The State of Maharashtra and anr.

...Respondents

Mr. Aaqib Kazi i/b. Siddique and Associates for the Applicant.

Ms. Supriya Kak for Respondent No.1 – State.

Mr. Abdul Aziz Khan for Respondent No.2.

Mr. Dipak Thorat, PSI, Oshiwara Police Station, present.

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

DATED : 25th SEPTEMBER, 2025

P.C. :-

1) This is an Application for quashing and setting aside of C.R.No.735/2023 registered with Oshiwara Police Station, Mumbai on 25/08/2023 under Section 354 of the Indian Penal Code, 1860 against the Applicant and the consequential charge-sheet bearing C.C.No.PW/668/2024 pending before the 1st Court of learned J.M.F.C., Andheri.

2) Heard Mr. Aaqib Kazi, learned Counsel for the Applicant, Ms. Supriya Kak, learned APP for the Respondent – State and Mr. Abdul Khan, learned Counsel for the Respondent No.2.

3) Since the matter is settled between the parties amicably, it is not necessary to refer to the allegations in the FIR in detail. Briefly stated, the FIR mentions that, the first informant / Respondent No.2 and the

Applicant were residents of the same society. On 24/08/2023, the Respondent No.2's nephew phoned her and told her that while he was playing football in the society premises, the Applicant snatched the football and assaulted him. The Applicant also threatened him. At about 09:45 p.m., the Respondent No.2 complained about the incident to the watchman of the society. Thereafter, the informant and her friend went to the Applicant to inquire about the incident. At that time, the Applicant shouted at them and outraged the modesty of the Respondent No.2. Consequently, the Respondent No.2 filed the Report and the said crime came to be registered. After completion of the investigation, police submitted the charge-sheet.

4) The Respondent No.2 has filed her affidavit wherein she has stated that the FIR was filed due to misunderstanding between her and the Applicant. Now, the misunderstanding is cleared and the matter is amicably settled. Hence, the Respondent No.2 is giving her free consent to quash the said FIR and the charge-sheet arising out of it.

5) The Respondent No.2 is present through VC. She is identified by her learned Counsel. She has stated in her Affidavit that she has no objection to quash the FIR and the related proceedings. Thus, the parties have put an end to the dispute.

6) Considering the settlement between the parties, no purpose would be served by continuation of the criminal prosecution. Therefore, we

are inclined to allow this Application. Hence, the following Order :-

- (a) The proceedings bearing Case No.PW/668/2024 pending before the learned Judicial Magistrate First Class, Andheri arising out of C.R. No.735/2023 registered at Oshiwara Police Station, Mumbai 25/08/2023 under Section 354 of the Indian Penal Code, are quashed and set aside.
- 7) The Application is disposed of.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)

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