

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

CRIMINAL APPLICATION NO.999 OF 2025

Aashutosh Asawa,	]	
R/o. Andheri, Mumbai	]	.. Applicant
<i>Versus</i>		
1. Kamlesh Mangre Yadav,	]	
R/o. Andheri, Mumbai	]	
2. State of Maharashtra,	]	
Through MIDC Police Station	]	.. Respondents

Mr. Sarosh Krishnan, Advocate for the Applicant.

Mr. George Thomas, Advocate for Respondent No.1.

Mr. K.V. Saste, Additional Public Prosecutor for Respondent No.2.

**CORAM : SHREE CHANDRASHEKHAR, CJ. &
GAUTAM A. ANKHAD, J.**

DATE : 15TH OCTOBER 2025.

Per Gautam A. Ankhad, J.

By the present criminal application, filed under section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, the applicant seeks quashing of the FIR No. 410 of 2025 filed lodged with MIDC police station for the offences punishable under sections 115(2), 118(1), 351(2) and 352 of Bhartiya Nyaya Sanhita, 2023.

2. The respondent no. 1 is working as a watchman in the residential complex where the applicant resides. The FIR was lodged at behest of the respondent no. 1 on 21st June 2025 in relation to an altercation that occurred as the respondent no. 1 refused to allow the applicant's son to play in the compound. It is also stated that the applicant has been granted anticipatory bail by learned Court of Sessions at Dindoshi vide order dated 26th June 2025.

3. An affidavit by the respondent no. 1 dated 23rd June 2025 is

placed on record which states that the parties have mutually settled all the issues between them and that the respondent no. 1 has no objection to quash the said FIR. The respondent no. 1 is present in the court and identified by his advocate. His Aadhar card is taken on record. He reiterates that he has no opposition to the said FIR being quashed.

4. The Hon'ble Supreme Court in "*Naushey Ali v. State of U.P.*", (2025) 4 SCC 78, has held that criminal proceedings ought to be quashed when the parties have settled their disputes amicably and the continuation of proceedings would result in abuse of process of law. Further it is settled that the inherent powers under section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 are required to be exercised to secure ends of justice. In the present case, the offences are compoundable and private in nature. The parties have reached a amicable settlement, wherein the applicant has paid for medical expenses for injuries sustained by the respondent no. 1. It would be a futile exercise of law to let the said FIR subsist under the above circumstances, particularly where the issue is settled and no dispute survives. In these circumstances, the case has been made out to quash the said FIR as the continuance of investigation in the same would be a futile exercise. Accordingly, the criminal application is allowed in terms of prayer clause (a):

"(a) That this Hon'ble Court may be pleased to kindly quash and set aside the subject FIR No. 410 of 2025 qua the applicant"

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[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]