

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

CRIMINAL APPLICATION NO. 1208 OF 2025

Somnath Eknath Mane	)	
Age: 45 years, Occ-Labor	)	
R/at-room no.5, flat no.159,	)	
Sector no.1, charkop,	)	
Kandivali West, Mumbai-400 067	)	...Applicant
	)	
V/s.	)	
	)	
1. State of Maharashtra	)	
(Through the Charkop Police Station,	)	
Mumbai, Vide C.R. No.247/2024	)	
	)	
2. Jayesh Tulshiram Mehta	)	
Age: 67 years, Occ-Service	)	
R/at -Room no. 15, Plot no.260	)	
Gangotri co-op housing Society	)	
Sector no.1, Charkop,	)	
Kandivali, West,	)	
Mumbai-400 067	)	...Respondents

Mr. Samay Pawar for the Applicant

Mrs. P. P. Shinde, Addl. P. P. for the Respondent No.1-State

Ms. Bhagyashri Ranade for the Respondent No.2

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.**

DATE : 26TH NOVEMBER, 2025.

Oral Judgment (Per Revati Mohite Dere, J.) :-

1. Heard learned Counsel for the respective parties.
2. **Rule.** Rule is made returnable forthwith with the consent of the parties and the application is taken up for final disposal. Mrs. P. P. Shinde, learned Addl. P. P. for the Respondent No.1-State waives notice on behalf of Respondent No.1-State and Ms. Bhagyashri Ranade, learned Counsel for the Respondent No.2 waives notice on behalf of Respondent No.2.
3. By this application, the Applicant seeks quashing and setting aside of the F.I.R. bearing C. R. No. 247 of 2024 dated 29.04.2024 registered with the Charkop Police Station, Mumbai as against the Applicant for the alleged offences punishable under Section 323, 326 and Section 504 of the Indian Penal Code, 1860

(IPC), the chargesheet and consequently, the proceeding pending before the learned Judicial Magistrate First Class, Borivali Mumbai, bearing CC No. 572/PW/2025. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4. Perused the application. It appears that the incident took place on 28.04.2025 at about 10:30 p.m. The said incident is an outcome of a quarrel that took place between the Applicant and Respondent No.2. In the said incident, an altercation took place between the Applicant and Respondent No.2, in which both assaulted each other. Post the said incident, the Respondent No.2 lodged an F.I.R., bearing C. R. No. 247 of 2024 with the Charkop Police Station, Mumbai alleging offences punishable under Section 323, 326 and 504 of the IPC. With respect to the same incident, the Applicant also lodged an F.I.R. with the very same police station i.e. Charkop Police Station, Mumbai as against Respondent No.2. The said F.I.R. was registered vide C. R. No.248 of 2024, against the Respondent No.2 for the offences

punishable under Section 324 and Section 504 of IPC. After investigation, chargesheet came to be filed in the present C. R. No. 247 of 2024 and the proceeding is pending before the learned Judicial Magistrate First Class, Borivali, Mumbai. During the pendency of the proceeding, the parties amicably settled their disputes and as such seek quashing of the said case with the consent of the parties.

5. The Respondent No.2 (original Complainant) has filed his affidavit stating therein, that he has no objection to the quashing of the aforesaid C. R. No.247 of 2024, the chargesheet and consequential proceeding, pending before the learned Judicial Magistrate First Class, Borivali, Mumbai. Respondent No.2 is present-in-person, he reiterates what is stated by him in his affidavit. He has tendered a photocopy of his PAN Card, duly attested by him. The said copy is taken on record. The Respondent No.2 has been identified by his Counsel.

6. It appears that although Section 326 has been invoked, the Respondent No.2 has only sustained an injury on his right hand and no fracture. No medical certificate has been produced before us to show that Respondent No.2 had sustained any fracture.

7. Having regard to what is stated hereinabove, the amicable settlement between the parties, the affidavit of the Respondent No.2 and the judgments of the Apex Court, there is no impediment in allowing the Application.

8. Infact, by a separate order passed today, we have also quashed the cross F.I.R. registered at the behest of the Applicant against the Respondent No.2.

9. Accordingly, the Application is allowed and F.I.R. registered bearing C. R. No.247 of 2024 with Charkop Police Station, Mumbai as against the Applicant, the chargesheet and

consequently, the proceeding, being in CC No. 572/PW/2025 are quashed and set aside.

10. **Rule** is made absolute on the aforesaid terms.

11. Criminal Application is disposed of accordingly.

12. The Respondent No.2 to pay cost of Rs.5,000/- with the Mumbai Police Welfare Fund, bearing Account No.465010100008693, IFSC No. UTIB0000465, Axis Bank, Branch-Lamington Road (Mumbai) within a period of two weeks from today.

13. All concerned parties to act on the authenticated copy of this order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)