

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

CRIMINAL APPLICATION NO. 1230 OF 2025

Jayesh Tulsidas Mehta	)	
Age: 67 years, Occ-Business	)	
R/o Room no. 15, Plot no.260	)	
Gangotri co-op housing Society	)	
Charkop, Kandivali, West,	)	
Mumbai-400 067	)	...Applicant

Versus

1. State of Maharashtra	)	
(Through Charkop Police Station,	)	
Kandivali-West)	)	
2. Somnath Eknath Mane	)	
Age: 45 years, Occ-Service	)	
R/o Plot no. 159, Room No.5,	)	
Sahyadri Society, Kandivali-West,	)	
Mumbai-400 067	)	...Respondents

Ms. Bhagyashri Ranade for the Applicant

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

Mr. Samay Pawar 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. At the outset, learned Counsel for the Applicant seeks leave to amend the cause title. Leave granted. Amendment to be carried forthwith during the course of the day.
2. Heard learned Counsel for the respective parties.
3. **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 Mr. Samay Pawar, learned Counsel for the Respondent No.2 waives notice on behalf of the Respondent No.2.
4. By this application, the Applicant seeks quashing and setting aside of the F.I.R., bearing C. R. No. 248 of 2024 registered with the Charkop Police Station, Mumbai, as against

the Applicant for the offences punishable under Section 324 and Section 504 of the Indian Penal Code, 1860 (**IPC**), the chargesheet and consequently, the proceeding pending before the Metropolitan Magistrate Court, Borivali, bearing CC No. 1129/PW/2025. Quashing is sought on the premise, that the parties have amicably settled the in dispute.

5. 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, over hiring a rickshaw. The quarrel led to a verbal altercation between the parties. In the said incident, the Applicant is alleged to have assaulted the Respondent No.2 (original Complainant) with a wooden stick and the Respondent No.2 is also alleged to have used the same stick to assault the Applicant. Pursuant to the said incident, the Respondent No.2 registered the aforesaid C. R. No. 248 of 2024 with the Charkop Police Station on 29.04.2024, Mumbai as against the Applicant

alleging offences punishable under Sections 324 and 504 of the IPC. It is pertinent to note, that a cross F.I.R. has also been registered at the behest of the Applicant as against the Respondent No.2 with the Charkop Police Station, Mumbai, bearing C. R. No. 247 of 2024 alleging offences punishable under Sections 323, 326 and 504 of the IPC.

6. In the present C.R. No. 248 of 2024, chargesheet has been filed and the case is presently pending before the learned Metropolitan Magistrate Court, Borivali, Mumbai. It appears that, during the pendency of the proceedings between the parties, amicably settled their dispute.

7. The Respondent No.2-Mr. Somnath Eknath Mane has filed his affidavit giving his no objection to the quashing of C.R. No.248 of 2024 registered at his behest with the Charkop Police Station, Mumbai. In the said affidavit, the Respondent No.2 has stated that, he has no objection for quashing of the aforesaid C.R.

No.248 of 2024 registered with the Charkop Police Station, Mumbai and consequently, the proceeding in view of amicable settlement between him and the Applicant. The Respondent No.2 has tendered a photocopy of his pancard duly attested by him. The photocopy of the PAN Card is taken on record. The Respondent No.2 when questioned reiterates what is stated by him in the affidavit. He is identified by his Counsel.

8. Considering the aforesaid, the nature of dispute and 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.

9. The application is accordingly allowed and C. R. No.248 of 2024 dated 29.04.2024 registered with the Charkop Police Station as against the Applicant, the chargesheet in the said C.R. No.248 of 2025 and consequently, the proceedings pending before the Metropolitan Magistrate Court, Borivali bearing No.

CC No. 1129/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.)