

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1308 OF 2025

X.Y.Z

...Applicant

Versus

1. The State of Maharashtra
2. A.B.C

...Respondents

WITH
CRIMINAL APPLICATION NO. 1310 OF 2025

P.Q.R.

...Applicant

Vesus

1. The State of Maharashtra
2. A.B.C

...Respondents

Mr. Sudhanva Bedekar for the Applicant in APL/1308/2025.

Mr. Aditya Lele a/w Ms. Gargi Warunjikar & Mr. Vedant Tiwari for the Applicant in APL/1310/2025.

Mr. V.B.Konde Deshmukh, Addl.PP for the Respondent-State.

Mr. Atharva Date for the Respondent No.2.

PSI – Sainath Pantamwad attached to Santacruz Police Station, Mumbai, present.

*CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.
DATE : 19th NOVEMBER, 2025*

ORAL JUDGMENT (Per Revati Mohite Dere,J.)

1. At the outset, learned Counsel for the applicant seeks leave to amend the application to replace the names of the applicants and the respondent No.2 in both the aforesaid applications with alphabets. We permit the same in the larger interest of the parties who are young students and in the peculiar facts. Leave granted. Amendment to be carried out forthwith during the course of the day. Registry to ensure that the names of the applicants and the respondent No.2 are deleted even from the system.
2. Heard learned Counsel for the applicant in both the applications and the learned Counsel for the respondent No.2 and the learned Addl.PP, on behalf of the Respondent-State.
3. Rule. Rule is made returnable forthwith with the consent

of the parties and is taken up for final disposal. Learned Addl.PP waives notice on behalf of the Respondent No.1 – State. Mr.Date, learned Counsel for the respondent No.2 waives notice on behalf of the said respondent.

4. By these applications, the applicants seek quashing of the FIR registered vide C.R.No.1051 of 2025 with the Santacruz Police Station, Mumbai, for the alleged offences punishable under Sections 115(2), 118(1), (3)(5) and 352 of the Bharatiya Nyaya Sanhita, 2023. Quashing is sought on the premise that the parties i.e. the applicants in both the applications and the respondent No.2 have amicably settled their dispute.

5. Perused the papers. According to the respondent No.2 the incident took place on 9th October, 2025 at 1.00 p.m. in a Bar at Juhu. The altercation is stated to be taken between the respondent No.2 and the applicant and one 'X' (applicant in APL/1308/2025) over spilling of a champagne bottle.

6. It is alleged that in the incident, the applicant in APL/1310/2025 (which is heard alongwith these applications) assaulted the respondent No.2 with a beer bottle. The said dispute was resolved when the Bouncers intervening in the quarrel. It is stated that, thereafter, the applicants and the respondent No.2 left the spot.

7. It appears that again, there was an encounter between the applicant and the respondent No.2 in which, the applicant in APL/1310/2025, assaulted the respondent No.2 with a bamboo on his head and the applicant in APL/1308/2025 used an instrument on the respondent No.2. No medical certificate is on record to show the injuries sustained as a result of the same. Pursuant to the said incident, the respondent No.2 filed the aforesaid FIR which was registered vide C.R.No.1051 of 2025 as against the applicant in both the applications with the Santacruz Police Station, Mumbai, alleging the aforesaid offences.

8. It appears that with respect to the same incident, the applicant in APL/1310/2025's friend also registered an FIR which was registered vide C.R.No.1053 of 2025 with the Santacruz Police Station, Mumbai, alleging offences punishable under Sections 79 and 352 of the Bharatiya Nyaya Sanhita, 2023. It appears that post the registration of the aforesaid FIR's i.e. C.R.No.1051 and 1053 of 2025, the parties amicably settled their dispute. The respondent No.2 in C.R.No.1051 of 2025 is an accused in C.R.No.1053 of 2025.

9. Admittedly, chargesheet has not been filed in both the aforesaid C.Rs. The applicants in the aforesaid applications are aged 19 years. They both are students. The respondent No.2 is present in-person. He too, is a student, aged 20 years. The affidavit of the respondent No.2 is taken on record. In para 3 of the said affidavit, he has stated that he and the applicant are friends, studying in the same college and share a common friend circle. It is further stated that they have mutually resolved their dispute amicably and that they will not carry any animosity in future. It is further stated that they will

maintain peace and harmony and will not make allegations and counter allegations against each other. The respondent No.2 has given his consent for quashing of the FIR bearing C.R.No.1051 of 2025 registered with the Santacruz Police Station, Mumbai.

10. In para 6 of the said affidavit, the respondent No.2 has further stated that he does not wish to pursue C.R.No.1051 of 2025 registered with the Santacruz Police Station, Mumbai, and hence, has given his consent for quashing of the said C.R. The respondent No.2 has further stated that the said affidavit filed, is on his own free will and volition and there there is no fear, coercion, undue influence exerted on him.

11. The respondent No.2 is present in-person. He reiterates the contents of his affidavit. Learned Counsel for the respondent No.2 and the investigating officer present in-court, both have identified the respondent No.2.

12. Considering the age of the applicants i.e. 19 years and the age of the respondent No.2 which is 20 years, the fact that they are students, the fact, that they have agreed and undertaken not to repeat any such incident in future, and, keeping in mind the judgments of the Apex Court, the applications are allowed and the FIR registered vide C.R.No.1051 of 2025 with the Santacruz Police Station, Mumbai, is quashed and set aside.

13. Rule is made absolute on the aforesaid terms. Petition stands disposed of accordingly.

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

SANDESH D. PATIL, J.

REVATI MOHITE DERE, J.