HEMANT CHANDERSEN SHIV

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1258 OF 2024

Mr. Ishwar Khemchand Daryanani .... Petitioners
V/s.
The State of Maharashtra and anr. ...Respondents

Mr.Siddharth Shah i/b S. Shah Associates for the Petitioners.

Mr. Vinod Chate, APP for the Respondent No.1 – State.

Mr. Kiran Singh Rajput i/b Mr Farzan Shaikh for Respondent No.2

CORAM: SHYAM C. CHANDAK, J.
DATED : 9th OCTOBER, 2026

P.C. :-

1. As requested by the learned Counsel Mr. Shah, leave is granted to annex the charge-sheet and to modify the prayer clause, accordingly.

2. Heard learned Counsel for the parties. Perused the record.

3. Present petition seeks to quash and set-aside the proceedings bearing R.C.C.No. 407/PS/2018 pending on the file of learned Metropolitan Magistrate 64th Court at Esplanade, Mumbai arising out of an FIR bearing Cr.No.207/2017 registered with Azad Maidan Police Station, for the offence punishable under Sections 354, 354 (A) (1) (i) of the Indian Penal Code, 1860 ("IPC") on the report dated 10.07.2017 filed by Respondent No.2 against the petitioners.

4. The prosecution case, in brief, is that on 10.07.2017, between 3:00 p.m. and 3:45 p.m., Respondent No.2 had attended Court Room No. 27 of the Hon'ble High Court, Mumbai, along with her mother, brother, uncle and Advocate in connection with her brother's divorce case. It is alleged that during the Court proceedings, the petitioner made obscene gestures with his hands. At about 3:15 p.m., after the hearing had concluded, when the Respondent No.2 was leaving, the accused allegedly approached her and, made an obscene utterance in Hindi and pushed her. Consequently, the aforesaid crime came to be registered and, upon completion of investigation, the charge-sheet came to be filed.

5. Learned Advocates for the parties state that, now, the petitioners and Respondent No.2 have amicably settled their dispute. As per the settlement, the victim has consented and has given her no objection to quash the impugned FIR and the consequent proceedings. Mr. Rajput, learned Advocate tendered an Affidavit sworn by the victim to that effect. It is taken on record and marked 'X'.

6. The victim is present in the Court. She is identified by Mr. Rajput. She has reiterated the contents of the Affidavit. The victim has agreed to withdraw all the allegations made against the petitioner. She states that she does not want to prosecute the petitioners in the said case and, she is firm on her stand. Therefore, she has given her consent and no objection to quash the impugned FIR and the consequent criminal proceedings. 7. In the wake of above, no purpose would be served by continuing the criminal proceedings arising out of the subject matter FIR. As a result, I am inclined to allow the petition. Hence following Order :-

(i) Criminal Writ Petition No.1258 of 2024 is allowed.

(ii) The FIR bearing Cr.No.207/2017 registered with Azad Maidan Police Station, for the offence punishable under Sections 354,354(A)(1)(i) of the IPC and consequent proceedings bearing Case No.407/PS/2018 pending on the file of learned Metropolitian Magistrate 64th Court at Esplande, Mumbai are quashed and set-aside.

(SHYAM C. CHANDAK, J.)