

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

CRIMINAL WRIT PETITION NO.6008 OF 2025

Somdatt Keshridhar Dwivedi and ors. : Petitioners.

Versus.

State of Maharashtra and anr. : Respondents.

Ms. Mavali Jadhav i/by Adv. Ashish Verma for the Petitioners.

Mr. V B Konde-Deshmukh, APP for the Respondent/State

Ms. Shalaka Karkar a/w Ms Siddh Vidya, Ms. Divya Maniar,

Ms. Mansi Sahani i/by Siddh Vidya & Associates for the
Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 01 APRIL 2026

PC:-

1. Heard Ms. Mavali Jadhav for the Petitioners, Mr. V B Konde-Deshmukh, learned APP for the Respondent/State, and Ms. Shalaka Karkar, learned Advocate for Respondent No.2.

2. This petition under Article 226 of the Constitution of India and Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023, is filed by the Petitioners to quash the FIR bearing C.R. No. 203 of 2022 (Impugned FIR) dated 3rd August 2022, registered at NRI Sagari Police Station for

offences punishable under Sections 354-D, 509, and 34 of the Indian Penal Code, and the Charge sheet bearing No. I-153 of 2022 dated 24th November 2022, registered as R.C.C. No. 26 of 2023, pending before the Judicial Magistrate First Class at Belapur, arising from the impugned FIR.

3. Ms. Mavali Jadhav, learned Advocate for the Petitioners and Ms. Shalaka Karkar, learned Advocate for Respondent No.2, submit that the subject matter of the impugned FIR was a misunderstanding between Respondent No.2 and the Petitioners. To clarify, they submit that Respondent No.2 is a resident of NRI Complex, Nerul, Belapur. They submit that the Petitioners are security guards engaged by the Managing Committee of Seawoods Estate Limited to ensure the security of the society premises. They submit that the Petitioners were instructed by the Managing Committee to maintain continuous vigil on the premises and to videograph any suspicious activity.

4. They submit that Respondent No.2, mistakenly believing that the Petitioners were following her, filed this complaint. They submit that Respondent No.2 later realised the Petitioners were merely performing their duties as instructed. They submit that the misunderstanding was resolved and as a result, Respondent No.2 has given no objection in her affidavit for quashing the FIR and the criminal proceedings. Therefore, they request that the impugned FIR and the resulting charge-sheet be quashed.

5. The Petitioners are present in the Court and are identified by their Advocate Ms. Mavali Jadhav. She tenders the Photostat copies of the Petitioners' Identity Cards, which are taken on record and marked with "**X-Colly**" for identification.

6. Respondent No.2 is present in the Court and is identified by her Advocate Ms. Shalaka Karkar. She tenders the Photostat copy of Respondent No.2's Identity Card, which is taken on record and marked with "**X-1**" for identification.

7. Ms. Shalaka Karkar, learned Advocate for the Respondent No.2, states that the Affidavit dated 1st April 2026 affirmed by Respondent No.2 before the Notary R V Kamble, Fort, Mumbai is placed on record, the same is marked with "**X-2**" for identification.

8. Respondent No. 2 states that the said Affidavit (X-2) is filed of her own free will and without any pressure or coercion from any person. She states that the contents of the Affidavit (X-2) are as per her say. Respondent No. 2 states that she is not interested in continuing with the criminal proceedings and wishes to end them. Respondent No. 2 states that she was under the misconception that the Petitioners were following her, therefore, concerned for her privacy, she lodged a complaint with the police, which led to the registration of the impugned FIR. Respondent No. 2 states that after discussing the matter with the Petitioners, she realised that they were merely discharging their duties as

security guards in accordance with the instructions of the managing committee. She, therefore, does not intend to continue with the criminal proceedings and has no objection to the quashing of the impugned FIR and the charge-sheet arising from it.

9. Mr. V B Konde-Deshmukh, learned APP for the Respondent/State, submits that due to Respondent No.2's realisation of her misunderstanding and the fact that the Petitioners were merely performing their duties as security guards, he does not oppose the quashing of the impugned FIR and the resulting charge-sheet. However, he insists on costs being imposed on the Petitioners and Respondent No.2 for involving police machinery in an unnecessary dispute and for wasting valuable time of the police as well as the court.

10. Ms. Mavali Jadhav, learned Advocate for the Petitioners and Ms. Shalaka Karkar, learned Advocate for the Respondent No.2, on instructions from the Petitioners and the Respondent No.2, submit that appropriate costs would be deposited.

11. Considering the facts mentioned above, the submissions of the learned Advocates for the parties, the nature of the dispute being a misunderstanding between Respondent No.2 and the Petitioners, who were discharging their duties as security guards at the complex, the no objection in the Affidavit (X-2) given by Respondent No.2 and her intention not to continue with the criminal proceedings, no useful purpose will be served by allowing the criminal prosecution to

continue. Having regard to the pronouncements of the Hon'ble Supreme Court in *Gian Singh vs State of Punjab*¹, *Narinder Singh and Ors vs State of Punjab And Anr*² and *Parbatbhai Aahir @ Parbatbhai vs The State of Gujarat*³, there is no impediment in allowing this Petition.

12. In view of the above, Criminal Petition No.6008 of 2025 is allowed in terms of prayer clause (a), subject to payment of costs Rs. 10,000/- jointly by the Petitioners and Rs. 10,000/- by the Respondent No.2. Payment of costs is a condition precedent. Consequently, the impugned FIR and the Chargesheet arising out of the impugned FIR are quashed.

13. The Petitioners and the Respondent No.2 shall deposit the their costs of Rs.10,000/- in the below-mentioned Account within a period of three weeks from today and file in the Registry of this Court the compliance affidavit along with the proof of deposit on or before 24th April 2026:-

a) The Petitioners shall deposit the amount of Rs.10,000/- in :-

Account Name	:	BCMG's Advocate Academy & Research Centre.
Account Number	:	000120110001327
Bank Name	:	Bank of India
Brach Name	:	Mumbai Main Branch
IFS Code	:	BKID000001
Type of Account	:	Current Account

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

b] The Respondent No.2 shall deposit the amount of Rs.10,000/- in :-

The High Court Employees Medical Welfare Fund at Mumbai
Account No.: 000120110001337
Bank : Bank of India
Branch : Mumbai Main
IFSC Code : BKID0000001

14. The Writ Petition No.6008 of 2025 is disposed of.

(ASHWIN D. BHOBE, J.)