

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
WRIT PETITION NO. 2329 OF 2026**

Mohammed Sohail Ahmed ... Petitioner

*Versus*

The State Of Maharashtra And Anr. ... Respondents

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Mr. Mutahhar Khan a/w Moin Chowdhari, for the Petitioner.

Mr. Pankaj Kandhari, for the Respondent No. 2.

Mrs. Rajeshree Newton, APP for the Respondent – State.

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**CORAM : ASHWIN D. BHOBE, J.**

**DATE : 5<sup>th</sup> May, 2026.**

**P.C. :**

1. Heard Mr. Mutahhar Khan, learned Advocate for the Petitioner, Mrs. Rajeshree Newton, learned APP for the Respondent – State and Mr. Pankaj Kandhari, learned Advocate for the Respondent No. 2.

2. This Petition under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is filed by the Petitioner seeking to quash FIR No. 77 of 2018, dated 23.11.2018, registered with Airport Police Station (hereinafter “*impugned FIR*”), for offences punishable under

Sections 354 and 509 of the Indian Penal Code, 1860, and the chargesheet registered as Case No. 323/PW/2019, pending before the learned Magistrate Court at Andheri.

3. Mr. Mutahhar Khan and Mr. Pankaj Kandhari submit that the subject matter of the impugned FIR was a misunderstanding between the Petitioner (a traveler at the Airport) and the Respondent No. 2, an employee working at Terminal-1 at the Airport. They submit that this misunderstanding led the Respondent No. 2 to lodge a complaint with the Airport officials, which resulted in the registration of the impugned FIR. They further submit that the Petitioner and the Respondent No. 2 have amicably resolved the misunderstanding and as such, have no grievance whatsoever against each other. They further submit that the Respondent No. 2 does not intend to continue with the criminal proceedings in view of the amicable settlement and, as such, has affirmed an Affidavit dated 28.04.2026, stating her no objection to the quashing of the impugned FIR and the chargesheet. They therefore request that the impugned FIR and the chargesheet arising out of the impugned FIR be quashed.

4. The Petitioner is present in Court and is identified by his Advocate Mr. Mutahhar Khan. He submits a photocopy of the identity card of the Petitioner which is taken on record and marked **“X”** for identification.

5. The Respondent No. 2 is present in Court and is identified by her Advocate Mr. Pankaj Kandhari. He submits a photocopy of the Respondent No. 2's identity card, which is taken on record and marked as **“X-1”** for identification.

6. Mr. Pankaj Kandhari, states that the Affidavit dated 28.04.2026 affirmed by the Respondent No. 2 before the Notary S. N. Dhange, is placed on record, same is marked as **“X-2”** for identification.

7. Respondent No. 2 states that she has filed the Affidavit (X-2) of her own free will, without any force or coercion from anyone. She states that the contents of the Affidavit (X-2) are true and as per her say. She states that the misunderstanding she had with the Petitioner is amicably resolved and that she does intend to continue with the criminal proceedings. She states that she is

married and settled in life, and that continuation of the criminal proceedings causes agony to her married life. She states that she will not be supporting the prosecution case. She reiterates her no objection to the quashing of the impugned FIR and the chargesheet, relying on paragraph Nos. 2, 3 and 4 of her Affidavit (X-2), which are transcribed herein below in verbatim :-

*1. I say and submit that I have no objection on proceedings in connection with Case No. 323/PW/2019 pending before the Hon'ble Addl. Chief Metropolitan Magistrate 66th Court at Andheri, Mumbai, arising out of FIR No. 77/2018 registered with Airport Police Station, dated 24/11/2018, for offences punishable U/Sec. 354 and 509 of the Indian Penal Code be quash and set aside.*

*2. I say that due to some miscommunication taken place between me and Petitioner, I have filed the complaint to the Airport Police Station being FIR/C.R. No.77/18 registered with Airport Police Station for Offence u/s. 354 and 509 of the Indian Penal Code, 1860.*

*3. I say that the dispute has been settled between the parties amicably with the intervention of the respectable members of the society out of court.*

*4. I say that I have no grievance pending against the Petitioner.*

8. Mrs. Rajeshree Newton, learned APP for the Respondent No. 1- State, submits that as the matter is settled between the Petitioner and the Respondent No. 2, the Respondent No. 1- State has no objection to the quashing of the impugned FIR and the

chargesheet arising out of the impugned FIR. She, however, submits that, since the issue, which was otherwise not required to be dragged to the Police Station, was dragged to the Police Station, costs should be imposed on the Petitioner and the Respondent No. 2.

9. Mr. Mutahhar Khan and Mr. Pankaj Kandhari, on instructions from the Petitioner and the Respondent No. 2 state that appropriate cost would be paid.

10. Considering the facts mentioned hereinabove, the submissions of the learned Advocates, the statement made by Respondent No. 2 before this Court today and in her Affidavit (X-2) that the matter is amicably settled, and her clear and categorical stand as disclosed before this Court that she does not want to continue with the criminal proceedings and the no objection of Respondent No. 1 - State to the quashing of the criminal proceedings, no useful purpose would be served by continuing the criminal proceedings.

11. Having regards to the pronouncements of the Hon'ble

Supreme Court in the case of *Gian Singh vs State Of Punjab*<sup>1</sup>, *Narinder Singh And Ors vs State Of Punjab And Anr*<sup>2</sup> and *Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat*<sup>3</sup>, there is no impediment in allowing this Petition.

12. In view of the above, this Petition is allowed in terms of prayer clause (b), subject to payment of cost of Rs. 50,000/- each by the Petitioner and 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 Petitioner shall deposit a cost of Rs. 50,000/- and Respondent No. 2 shall deposit a cost of Rs. 50,000/- in the account mentioned below within three (3) weeks from today.

|                |                                                          |
|----------------|----------------------------------------------------------|
| Account Name : | Bar Council of Maharashtra and<br>Goa Advocate Aid Fund. |
| Bank Name :    | State Bank of India                                      |

<sup>1</sup> 2012 10 SCC 303

<sup>2</sup> 2014 6 SCC 466

<sup>3</sup> 2017 9 SCC 641

|                   |                    |
|-------------------|--------------------|
| Branch Name :     | Mumbai Main Branch |
| Account Number :  | 10996711937        |
| IFSC Code :       | SBIN0000300        |
| Type of Account : | Saving A/c         |

14. The compliance affidavit, along with the proof of deposit, shall be filed by the Petitioner and Respondent No. 2 in the Registry of this Court on or before 15.06.2026.

15. Writ Petition No. 2329 of 2026 is disposed of.

**(ASHWIN D. BHOBE, J.)**

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