

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

**CRIMINAL APPLICATION NO.318 OF 2026**

Deepak Baburao Deshmukh : Applicant  
Versus  
State of Maharashtra and anr. : Respondents

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Mr. Sanjeev Kadam, Senior Advocate i/by Ms. Varsha M  
Thorat, for the Applicant.  
Mr. Sukanta Karmakar, APP for the Respondent/State.  
Mr. Prashant P Raul for the Respondent No.2.

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

**DATED : 24 FEBRUARY 2026**

**PC:-**

1. Heard Mr. Sanjeev Kadam, learned Advocate for the Applicant, Mr. Sukanta Karmakar, learned APP for the Respondent/State and Mr. Prashant Raul, learned Advocate for Respondent No.2.

2. This Application under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is preferred by the Applicant

for quashing the FIR bearing 866 of 2022 dated 13 September 2022 registered with Kurar Village Police Station, Mumbai for the offences punishable under Sections 354, 354-D, 509, 452, 323, 359, 504 and 506(2) of the Indian Penal Code read with Section 67 of the IT Act, and the chargesheet bearing CC No.3636/PW/2023 pending before the learned Metropolitan Magistrate, 67th Court, Borivali, Mumbai.

3. The Applicant is present in the Court and is identified by his Advocate Mr. Sanjeev Kadam. He tenders the Photostat copy of the Identity Card of the Applicant, which is taken on record and marked as “X” for identification.

4. Respondent No.2 is present in the Court and is identified by her Advocate Mr. Prashant Raul. He tenders the Photostat copy of Identity Card of Respondent No.2, which is taken on record and marked as “X-1” for identification.

5. Mr. Prashant Raul states that the Affidavit dated 07 February 2026 affirmed by Respondent No.2 before the

Notary T J Mendon, Andheri (West), Mumbai is placed on record, the same is marked as “X-2” for identification.

6. Advocate Ms. Sanjeev Kadam, learned Senior Advocate for the Applicant and Mr. Prashant Raul, learned Advocate for the Respondent No.2 submit that the dispute between the Applicant and the Respondent No.2 is amicably resolved. They submit that the Respondent No.2 has given her no objection in the Affidavit (X-2) for quashing the criminal proceedings against the Applicant. They point out to the statements in paragraphs 3 and 4 of the Affidavit (X-2) which are reproduced herein under :-

*3. I further state that after a passage of time good counsels have prevailed and considering both the Applicant and myself, working in Police department the dispute has been settled amicably and therefore I have decided to not to continue with the criminal case against the Applicant. The parties involved have reached to a consensus to go ahead by dropping the criminal prosecution, therefore, I do not wish to pursue the Criminal proceeding against the Applicant. Therefore, I am giving my free consent for quashing of proceeding in C. C. No. 3636/PW/2023 pending before the Ld. Metropolitan Magistrate, 67th Court, Borivali, Mumbai as well the FIR bearing C. R. No. 866 of 2022 with Kurar Village Police Station, Mumbai.*

*4. I state that I have decided to go ahead with my life and serve the police department with an unblemished service. The pendency of criminal case is causing hinderance in the smooth process of my duty as a police personnel. I feel that, I will not achieve anything out of the said criminal matter and therefore I have decided to give consent for quashing of the complaint and the proceedings arising thereto.”*

7. Respondent No. 2 states that the said Affidavit (X-2) is filed out 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. She reiterates her no objection for quashing of the criminal proceedings.

8. Mr. Sukanta Karmakar, learned APP for the Respondent/State submits that apparently a misunderstanding between two parties was given a criminal flavour thereby putting the police machinery on action. He, however, submits that as the parties have resolved the dispute and in view of the statements made by the Respondent No.2 in her Affidavit (X-2), no purpose would be served in continuing with the criminal proceedings. He, therefore, submits that the criminal

proceedings can be quashed He however insists for imposition of costs.

9. Mr. Sanjeev Kadam, learned Advocate for the Applicant and Mr. Prashant Raul, learned Advocate for the Respondent No.2, on instructions, submit that the Applicant and the Respondent No.2 shall deposit appropriate costs.

10. Considering the aforesaid circumstances, the nature of dispute, the matter being settled between the Applicant and the Respondent No.2, the statement of Respondent No. 2 in the Affidavit (X-2) and 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 Application.

11. In view of the above, Criminal Application No. 318 of 2026 is allowed in terms of prayer clause (a) subject to

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

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

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

payment of costs of Rs.25,000/ by the Applicant and Rs.25,000/- by the Respondent No.2. Consequently, the impugned FIR bearing 0866 of 2022 dated 13 September 2022 registered with Kurar Village Police Station, Mumbai and the chargesheet bearing CC No.3636/PW/2023 pending before the learned Metropolitan Magistrate, 67th Court, Borivali, Mumbai are quashed.

**12.** The Applicant and the Respondent No.2 shall deposit the costs of Rs.25,000/- each in the below mentioned Accounts within a period of two weeks weeks from today and file in the Registry of this Court the compliance affidavit along with the proof of deposit on or before 18 March 2026.

a) The Applicant shall deposit the amount of Rs.25,000/- in :-

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

b) The Respondent No.2 shall deposit the amount of Rs.25000/- in :-

Central Police Welfare Fund  
Account No: 914010029005759  
Bank : Axis Bank Limited  
Branch : Worli, Mumbai (M.H.), Mumbai - 400 025  
IFSC Code: UTIB0000060

**13.** This Criminal Application is allowed in the above-said terms.

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