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

CRIMINAL APPLICATION NO.465 OF 2026

Mohammadamin Manouchehr Ghesmati : Applicant.

Versus

The State of Maharashtra and ors. : Respondents.

Mr. Sandeep Raman for the Applicant.

Ms. Pallavi Dabholkar, APP for the Respondent/State.

Ms. Vaishnavi Nagargoje for the Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 27 March 2026

PC:-

1. Heard Mr. Sandeep Raman, learned Advocate for the Applicant, Ms. Pallavi Dabholkar, learned APP for the Respondent/State and Ms. Vaishanvi Nagargoje, learned Advocate for the 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 No.1110 of 2021 (impugned FIR) dated 30 July 2021 registered with the Malvani Police Station for the offences punishable under Sections 354, 323, 504 and 34 of the Indian Penal Code and the charge-sheet arising out of the impugned FIR.

3. Mr. Sandeep Raman, learned Advocate for the Applicant and Ms. Vaishnavi Nagargoje, learned Advocate for the Respondent No.2, submit that the Applicant, the Respondent No.2 and the Respondent No.3 were the friends. They submit that on account of a misunderstanding amongst themselves led to a dispute which resulted in the Respondent No.2 filing a complaint on the basis of which the impugned FIR came to be registered. They submit that the Applicant, the Respondent No.2 and the Respondent No.3 have amicably resolved the dispute and the Respondent No.2 has given her no objection in an Affidavit dated 27 March 2026. They submit that the Respondent No.2 is a citizen of the United States of America and that she intends to return to her country for good. They therefore submit that the impugned FIR and the charge-sheet arising out of the impugned FIR be quashed.

4. The Applicant is present in the Court and is identified by his Advocate Mr. Sandeep Raman. He tenders the Photostat copy of the Applicant's Identity Card, which is taken on record and marked as "X" for identification.

5. Respondent No.2 is present in the Court and is identified by her Advocate Ms. Vaishnavi Nagargoje. He tenders the Photostat copy of Respondent No.2's Identity Card, which is taken on record and marked as "X-1" for identification.

6. Ms. Vaishnavi Nagargoje, learned Advocate for the Respondent No.2, states that the Affidavit dated 27 March

2026 affirmed by Respondent No.2 before the Notary S. N. Dhanage is placed on record, the same is marked as "X-2" for identification.

7. Respondent No. 2, who is present in Court, 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. Respondent No.2 states that she intends to return to her country permanently with effect from 30 March 2026 and to settle in life. She submits that the misunderstanding amongst her, the Applicant and the Respondent No.3 is amicably resolved, and therefore, she does not want to continue with the criminal proceedings and wants to end it. She submits that she would not support the case of the prosecution. She submits that she, the Applicant and the Respondent No.2 continue with their friendship. She reiterates her no objection for quashing of the criminal proceedings. She relies on paragraph Nos. 4, 5, 6 7 and 8 of her Affidavit (X-2), which are transcribed herein below in verbatim :-

"4. I state that the said FIR arose out of personal disputes and misunderstandings between myself and Mr. Mohammadamin Manouchehr Ghesmati (Accused No. 1 in Chargesheet) & Ms. Raya Jahan (Accused No. 2 in Chargesheet) in relation to certain personal and professional interactions.

5. I state that the aforesaid FIR and the consequential proceedings arise out of allegations pertaining to the alleged outraging of my modesty and, as such, constitute my personal and private grievance and that, with the intervention of well-wishers and respectable members of society, I have now amicably resolved the

dispute and have agreed to settle the matter.

6. *I state that I am an American citizen and I intend to return to my country permanently on 30th March 2026 and wish to settle in life. In view thereof, I do not intend to pursue the abovementioned matter any further.*

7. *I state that I do not wish to prosecute or pursue the aforesaid FIR and the consequential proceedings any further and, therefore, I have no objection if this Hon'ble Court is pleased to quash and set aside the FIR bearing C.R. No. 1110 of 2021 dated 30/07/2021 registered with Malvani Police Station, Mumbai for offences punishable under Sections 354, 323, 504 read with Section 34 of the Indian Penal Code, 1860, as well as the Chargesheet filed before the Learned Metropolitan Magistrate, 24th Court, Borivali, Mumbai, registered and numbered as Police Case No. S/2404871/2023, insofar as the same pertains to all the accused persons, namely Mr. Mohammadamin Manouchehr Ghesmati (Accused No. 1 in the Chargesheet) and Ms. Raya Jahan (Accused No. 2 in the Chargesheet).*

8. *I state that I have voluntarily, of my own free will and without any coercion, pressure, threat or undue influence, decided to put an end to all disputes with all the accused persons.”*

8. Ms. Pallavi Dabholkar, learned APP for the Respondent/State, submits that the Applicant, the Respondent No.2 and the Respondent No.3 cannot take the police machinery for granted and file complaints on the basis of misunderstanding amongst themselves. She however states that as the Applicant, the Respondent No.2 and the Respondent No.3 having resolved the misunderstanding amongst themselves, and the Respondent No.2 intends to return to her country, she does not object to the quashing of the impugned FIR and the charge-sheet arising out of the impugned FIR. However, she submits that the Applicant and the concerned Respondents should be imposed with costs.

9. Mr. Sandeep Raman, learned Advocate for the Applicant and Ms. Vaishnavi Nagargoje, learned Advocate for the Respondent No.2, on instructions from the Applicant and the Respondent No.2, submit that appropriate costs would be paid.

10. Considering the above mentioned facts, the submissions of the learned Advocates for the parties, the nature of dispute, as is revealed from the impugned FIR to be a dispute amongst friends, which dispute is now settled between the parties, the Respondent No.2 intending to leave this country and return back to her country for good, the Respondent No.2 having specifically stated that she does not intend to continue with the criminal proceedings commenced at the basis of her complaint and her no objection in Affidavit (X-2), no useful purpose will be served by allowing the criminal prosecution to continue. Having regards to the pronouncements of the Hon'ble 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 Application.

11. In view of the above, Criminal Application No.465 of 2026 is allowed in terms of prayer clauses (A) and (B) subject to payment of costs of Rs.50,000/- by the Applicant and

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

Rs.50,000/- by the Respondent No.2. Payment of costs is a condition precedent. Consequently, the impugned FIR and the Charge-sheet arising out of the impugned FIR are quashed.

12. The Applicant and the Respondent No.2 shall deposit their respective costs in the below mentioned Accounts within a period of two weeks from today and file in the Registry of this Court the compliance affidavit along with the proof of deposit on or before 17 April 2026.

a] The Applicant shall deposit the amount of Rs.50,000/- in :-

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

b] The Respondent No.2 shall deposit the amount of Rs.50,000/- in :-

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

13. The Criminal Application No. 465 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)