



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1419 OF 2025
WITH
INTERIM APPLICATION NO.1054 OF 2025

SATISH
RAMCHANDRA
SANGAR

Kailash Hanumandas Chandak

Through his next kin and brother
Bhanwarlal Hanumandas Chandak and
friend, Age : 64 Years, Hindu,
Occupation : Professor, Now retired,
Residing at : J.B.Nagar Andheri,
Mumbai : 400 059.

...Petitioner/Applicant

Versus

1. **Smt.Ruchita Kalpesh Kenia**

Age : 45 Years, Jain, Occupation : Service,
Residing at : 34, Nepean Sea Road,
Om Darya Mahal, Malabar Hill,
Mumbai : 400 006.

2. **The State of Maharashtra**

(At the instance of Malabar Hill Police
Station, Mumbai).

...Respondents

Mr.Sanjay Bhatia – Advocate for Petitioner / Applicant.

Ms.Neha Kamble – Advocate for Respondent No.1.

Mr.B.V.Holambe – Patil – APP for Respondent No.2 – State.

**CORAM : SARANG V. KOTWAL &
S.M.MODAK, JJ.**

DATE : 19th MARCH 2025

P.C. :

1. This is a Petition for quashing of the F.I.R.

registered vide C.R. No.380 of 2022 at Malabar Hill Police
Satish Sangar

1 of 4

Station on 13th December 2022 under Section 354-D of the Indian Penal Code, 1860 (“**IPC**”) and under Section 67 of the Information Technology (Amendment) Act, 2008 (“**IT [Amendment] Act, 2008**”) and the consequent proceedings.

2. The parties have settled the matter. Therefore, it is not necessary to refer to the allegations in the F.I.R. in detail. Suffice to say that the First-Informant i.e. the Respondent No.1 and the Petitioner were teaching in a reputed college in South Mumbai. After the informant got another job, she left her teaching employment with the college. Subsequently, even the Petitioner retired. On 12th December 2022, the informant received an obscene and objectionable message on her WhatsApp from the Petitioner. She was shocked to read the message. She lodged the complaint as mentioned earlier.

3. Learned counsel for the Petitioner submitted, that the Petitioner is suffering from mental imbalance and he relied on the medical report given by a psychologist. It is taken on record. The Respondent No.1 is present in the Court. She has filed her “*Affidavit of consent*” for quashing of the proceedings. She has stated in her Affidavit, that when she filed the F.I.R., she was not knowing that the Petitioner was suffering from

mental disease and ailment (FTLD). Because of mental impairment of his faculties, the Petitioner was unable to judge the right social behaviour and in that state, unintentionally sent the offending Whats-App message to the Respondent No.1. After coming to know about the Petitioner's mental illness, she decided to withdraw her allegations. According to her, she has filed this Affidavit giving her consent for quashing of these proceedings arising out of C.R. No.380 of 2022 culminating in C.C.No.331/PW/2023 before the learned Judicial Magistrate First Class, 40th Court, Girgaum, Mumbai.

4. The Respondent No.2 is present in the Court. She is identified by her learned counsel. She reiterated the contents of her Affidavit. She stated before the Court, that she has understood the mental illness from which the Petitioner is suffering. She stated before the Court, that she has "*No objection*" for quashing of the proceedings.

5. As can be seen from the above discussion, it is a fact accepted by the Respondent No.1 that the message was sent unintentionally when the Petitioner was not in a fit state of mind. In this background, the Respondent No.1 has given her consent to quash the proceedings. Since the Respondent

No.1 herself is convinced that it was because of the Petitioner's mental illness, this message was sent, no purpose will be served in continuing with the prosecution. It would be in the interest of justice to quash the proceedings. Hence, following order:-

O R D E R

- (i) The C.R. No.380 of 2022 registered with Malabar Hill Police Station and the consequent proceedings i.e. C.C. No.331/PW/2023 pending on the file of Judicial Magistrate First Class, 40th Court, Girgaum, Mumbai are quashed and set aside.
6. With these observations, the Petition is disposed of.
7. As the main Petition is disposed of, the companion Applications are also disposed of.

(S.M.MODAK, J.)

(SARANG V. KOTWAL, J.)