Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.207 OF 2026

Amrina M. Fernandes @ Amrina Zaveri .. Petitioner
Versus
The State of Maharashtra and Ors. .. Respondents

WITH
WRIT PETITION NO.1140 OF 2026

Rhythm Arvind Goyal .. Petitioner
Versus
The State of Maharashtra and Anr. .. Respondents

WITH
WRIT PETITION NO.1139 OF 2026

Tanay Jitendra Shah .. Petitioner
Versus
The State of Maharashtra and Anr. .. Respondents

WITH
WRIT PETITION NO.1192 OF 2026

Amrina M Fernandes @ Amrina Zaveri .. Petitioner
Versus
The State of Maharashtra and Ors. .. Respondents

WITH
WRIT PETITION NO.1306 OF 2026

Valentine Fransico Silveira .. Petitioner
Versus
The State of Maharashtra and Ors. .. Respondents

WITH
INTERIM APPLICATION NO.1394 OF 2026
IN
WRIT PETITION NO.1306 OF 2026

Deepak Ravi Kapoor .. Applicant
IN THE MATTER BETWEEN:
Valentine Fransico Silveira .. Petitioner

Versus

The State of Maharashtra and Ors. .. Respondents

WITH

WRIT PETITION NO.1584 OF 2026

Hemlata Aditya Patkar @ Hemlata Bane @ Bane .. Petitioner

Versus

The State of Maharashtra and Ors. .. Respondents

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- Mr. Abad Ponda, Senior Advocate a/w. Mr. Shivamsinh Deshmukh and Mr. Dwarkesh B. Chavda, Advocates for Petitioner in Writ Petition Nos.1140 of 2026; 1139 of 2026; Respondent No.2 in Writ Petition No.1192 of 2026; for Respondent No.7 in Writ Petition No.1306 of 2026 and Respondent No.8 in Writ Petition No.207 of 2026.
- Mr. Meghashyam Kocharekar a/w. Mr. Bahraiz Irani, Mr. Shane Santos, Mr. Amit Padwal, Mr. Anosh Irani, Ms. Afrin Dalal and Ms. Aafreen Bano, Advocates for Petitioner in Writ Petition Nos.1192 of 2026, 207 of 2026 and 1306 of 2026 and for Respondent in Writ Petition Nos.1140 of 2026 and 1139 of 2026.
- Mr. Prabhakar B. Parse, Advocate i/by Ms. Hemlata Patkar for Petitioner in Writ Petition No.1584 of 2026.
- Mr. Chetan Gogawale, Advocate for Intervenor in Interim Application No.1394 of 2026.
- Mr. Shishir S. Hiray, Chief Public Prosecutor a/w. Mr. Yogesh M. Nakhwa, APP for Respondent – State.
- Mr. Akash Waghmare, PSI, Amboli Police Station in Writ Petition No.1192 of 2026.
- Mr. Rupesh Patil, (DCB, CID), A.E. Cell.
- Mr. Arun Thorat, PI CBI Crime.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 11, 2026

P.C.:

1. Heard Mr. Ponda, learned Senior Advocate Petitioner in Writ Petition Nos.1140 of 2026; 1139 of 2026; for Respondent No.2 in Writ Petition No.1192 of 2026; for Respondent No.7 in Writ Petition

No.1306 of 2026 and for Respondent No.8 in Writ Petition No.207 of 2026; Mr. Kocharekar, learned Advocate for Petitioner in Writ Petition Nos.1192 of 2026, 207 of 2026 and 1306 of 2026 and for Respondent in Writ Petition Nos.1140 of 2026 and 1139 of 2026; Mr. Gogawale, learned Advocate for Intervenor in Interim Application No.1394 of 2026; Mr. Parse, learned Advocate for Petitioner in Writ Petition No.1584 of 2026 and Mr. Hiray learned CPP a/w. Mr. Nakhwa, learned APP for Respondent – State

2. All the above 6 Writ Petitions along with 1 Intervention Application are decided together by this common order by virtue of report dated 01.09.2026 submitted by the I/c Registrar Judicial – I pursuant to order dated 31.08.2026 passed by this Court.

3. This is a group of 6 Writ Petitions and 1 Intervention Application. Though there are 4 different First Information Reports (for short "**FIR**") registered *qua* the offences concerned, they are all linked to each other in seriatim and are having common parties or friends and relations of common parties who are involved as parties. FIR No.1102 of 2025 is filed first in point of time on 19.11.2025. Second FIR No.1127 of 2025 is filed on 23.11.2025. Third FIR No.676 of 2025 is filed on 24.12.2025. Fourth FIR being CR No.126 of 2025 is filed on 27.02.2026. Quashing by consent is sought by all parties namely Complainants and Accused persons in all 4 FIRs. All

complainants are present before Court. Intervention Application which is filed by a third party to oppose consent quashing of the third FIR only. Intervenor does not object to quashing of the other two FIRs / CR.

Writ Petition No.1139 of 2026 and Writ Petition No.1140 of 2026 (For quashing of FIR No.1102 of 2025 dated 19.11.2025).

4. Writ Petition No.1139 of 2026 is filed by Tanay Jitendra Shah (arraigned as Accused No.1) for quashing of FIR and Chargesheet No.1102 of 2025 dated 19.11.2025 registered with Amboli Police Station for offences punishable under Sections 74, 79, 89, 118(1), 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short "**BNS**") and all consequential proceedings arising therefrom including chargesheet and Sessions Case No.72 of 2026 pending before Sessions Court at Dindoshi, Mumbai.

5. Writ Petition No.1140 of 2026 is filed by Rythym Arvind Goyal (arraigned as Accused No.2) for quashing of FIR and Chargesheet No.1102 of 2025 dated 19.11.2025 registered with Amboli Police Station for offences punishable under Sections 74, 79, 89, 118(1), 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short "**BNS**") and all consequential proceedings arising therefrom including chargesheet and Sessions Case No.72 of 2026 pending before Sessions Court at Dindoshi, Mumbai.

6. The Complainant in the aforementioned two Writ Petitions is Respondent No.2. In both Petitions, advocates for Petitioners and Complainant are present in Court. Both Petitioners are in jail. Complainant is present in Court. Parties seek quashing of FIR by consent. Incident occurred in the intervening night of 14.11.2025 and 15.11.2025 at around 2:30 a.m. inside the lift of Complainant's workplace establishment in Mumbai where 5 persons were present namely liftman / watchman, both Petitioners, Complainant and an unidentified female later identified to be sister of Tanay J. Shah (Accused No.1). Complainant was 8 months pregnant which was not to the knowledge of both Petitioners. A verbal scuffle ensured between them when it is alleged that Accused No.2 pointed a laser light at Complainant. This led to a physical fight between them and Accused No.1 struck Complainant on her head with the laser device causing bleeding. The liftman intervened but he too was assaulted. According to prosecution case, by the time the lift reached Ground floor, both Petitioners tuned hostile and assaulted Complainant in her stomach and pushed her to the ground. Cross complaint is also filed by sister of Accused No.1 stating a different version. Complainant was rushed to hospital by her work colleagues. On the following day, Complainant experienced severe pain and underwent sonography as she was 8 weeks pregnant, whereafter she was informed about having suffered a miscarriage. FIR was lodged on 19.11.2025. Investigation is

completed.

7. Insofar as this incident is concerned, Complainant and her Advocate are before Court and both Petitioners are duly represented by Advocates. This incident led to filing of 3 further FIRs to which I will advert to hereinunder while dealing with those Writ Petitions separately for consent quashing. Insofar as present offence is concerned, Complainant has filed her consent affidavits separately in both Writ Petitions which are dated 12.03.2026 respectively. I have perused both consent affidavits and heard the parties. Complainant is present before me and urges the Court to quash the criminal proceedings in present FIR against both Petitioners in view of parties arriving at an amicable settlement and their desire is to put an end to the criminal proceedings and move on in their respective lives freely. Complainant expresses herself and states that she would like to consent for quashing the proceedings, FIR and chargesheet without any duress, coercion and force. I have interacted with the Complainant in Court.

8. The State is duly represented by Mr. Hiray, learned Chief Public Prosecutor and he would contend to the contrary. He would submit that both Petitioners are inside jail as a result of their heinous act of causing death of an unborn person, but as a consequence of consent quashing, they would now be released from jail and stand

exonerated, if so accepted by Court at the behest of the parties. He would however make a much larger point for Court's consideration and submit that act of assault of Petitioners in this case is not only a violent act but should be construed as an offence against Society at large. He would vehemently argue that the offence committed by both Petitioners is against an unborn person in the present case and it is duty of the Court to protect the right of such unborn person who can otherwise have no legal representation. He would passionately persuade the Court to consider rejecting plea of consent quashing in view of the gravity of the act resulting in ending the life of an unborn person. However when a pointed question regarding Petitioners having knowledge of the fact whether Complainant was 8 weeks pregnant is put to him, he in his usual fairmindedness would attempt to answer the question differently by arguing that in view of the facts in the present case, Court will have to conclude that knowledge of Petitioners would be irrelevant and immaterial since no prudent person could otherwise assault a woman mercilessly which would lead to miscarriage. Hence he would persuade the Court to dismiss both Petitions, since according to prosecution in effect parties are attempting to compound the criminal act / offences which is an extremely grievous act and power of compounding should not and cannot be exercised in such cases.

9. I have heard the learned Advocates appearing for the respective parties at the bar and with their able assistance, perused the entire record of the case.

10. Though admittedly a very grievous and unforgettable incident has occurred causing severe suffering and trauma to Complainant which undoubtedly cannot be reversed by any of the parties before Court or by any means. The Prosecutor has filed Affidavit In Reply dated 30.03.2026 in both Petitions separately to oppose both Petitions and seek rejection. I have gone through the same. The Complainant is present before the Court and I have interacted with her *qua* her consent affidavits. Mr. Ponda appears for both Petitioners and Mr. Kocharekar appears for Complainant. In her consent affidavit, Complainant in paragraph Nos. 3, 4 and 5 has stated as under:-

> *"3. I say that when the incident occurred, the emotions were very high and the atmosphere was emotionally charged. The situation was highly traumatic, and all logical thinking was grossly affected to a large extent. Rational thinking was semi-paralysed. As far as the allegation made by me is concerned, after peaceful deliberation, I have to say that it all started with the accused pointing a laser at me to which I objected that gave rise to a scuffle, on account of which, the miscarriage happened. In hindsight, it is apparent that the accused, Rhythm Goyal or his associates, did not know me. Obviously, there was no premeditation. What happened in the heat of the moment between us in the lift, on wiser thinking and peaceful deliberation, can be attributed to an impulsive act of immaturity committed without any intention of doing the same. I say that this has been extremely traumatic for me and my husband, and even today it remains traumatic. From the incident till date it is as if my life and that of my husband has virtually come to a stand-still and we continue to be haunted by this case virtually suffocating our future. I want to proceed further with my life,*

> *but the pendency of these proceedings has become a source of great mental discomfort. It is affecting my marriage and my peace of mind. I want to move on in life and close these matters at once.*
>
> *4. I say that, with the intervention of well-wishers and elders, and in order to secure peace and avoid further litigation, the disputes and misunderstandings have been resolved amicably between me and the Petitioner and the concerned parties. I state that I do not desire to continue the criminal proceedings arising out of the aforesaid FIR and the consequential proceedings."*
>
> *5. I say that I am executing this Affidavit voluntarily, out of my free will, and without any force, coercion, threat, undue influence, pressure, or inducement from any person whatsoever. I fully understand the contents of this Affidavit and the consequences of giving this consent / no objection."*

11. What Complainant has stated has been affirmed by her. Complainant has stated that Petitioners did not know her. She has referred to a scuffle leading to the unfortunate incident in question and states that according to her it was not premeditated and it happened in the virtual heat of the moment inside the lift. However most pertinently wish of Complainant and reasons for consent quashing which follow next in paragraph No.3 is what I am inclined to consider as per her request. The long lasting effects of a criminal prosecution can be traumatic for any Complainant in a given case especially when she is a woman. Complainant has stated that her family life was / has been extremely distressed and disturbed after the incident and more so because of pendency of the present criminal proceedings which led to a great mental discomfort to her virtually suffocating her life. Without amplifying any further, I fully agree with the sentiments expressed by her when she states this, especially in the backdrop of the above

incident and more importantly after what followed thereafter which is going to be considered by me for determining the other Writ Petitions for consent quashing wherein three further FIRs were registered in quick succession qua different offences, but all linked to this principal incident in question. Hence I am inclined to accept the consent affidavits filed by Complainant as genuine and filed by her without coercion or duress whatsoever for consent quashing after hearing parties and considering the overall facts. Though Mr. Hiray would be otherwise right in his contentions, Court will have to make a considered decision on the basis of the pleadings for excersing its power under Section 482 for consent quashing. Hence I am not inclined to consider Mr. Hiray's request for rejection of the Petitions.

12. Needless to state that appropriate orders will be passed *qua* both Petitioners so that Petitioners cannot be allowed to be exonerated so lightly in view of their serious act of assaulting a woman in a public place, no matter what the provocation and / or reason could be in any circumstances. No one present in Court *qua* the other parties in the companion Writ Petitions takes any objection, save and except the State for consent quashing in these 2 Petitions and the State's objection is recorded and considered.

13. Section 482 of the Criminal Procedure Code, 1973 conferred inherent powers on High Courts to pass such orders as are justified to

give effect to any order in the Court, prevent abuse of process of any Court or secure the ends of justice. In the BNSS this provision stands incorporated with Section 528 which substantially reproduces the language and intent of Section 482 of the CRPC, 1973 High Courts invoke this provision to step in where cases have been instituted with *malafide* motives or to harass the accused person thereby avoiding procedural harassment. It empowers Court to dismiss FIRs or criminal proceedings if there is no *prima facie* case or evidence against the accused person/s or if orders are made in violation of the principles of natural justice. The exercise of such powers under Section 482 of CRPC and now Section 528 of BNSS remains discretionary and varies from case to case.

14. In ***State of Harayana vs Bhajan Lal***[1] the Supreme Court laid down model categories and guidelines in paragraph No. 102 of the said judgment in which the FIRs can be quashed. The Supreme Court has further asserted that power under Section 482 is an acknowledgment of "powers inherent" and not the source of powers additional. It has held that even non compoundable offences can be quashed where necessary. It has held that High Courts have to decide whether the prosecution of an offence would further or be against the interest of justice. It is also held that grievous offences such as murder, rape, and dacoity cannot ordinarily be quashed even after settlement

1 1992 AIR 604

because they involve societal implication.

15. In the above context, when parties settle their private dispute or the *lis* between them is purely civil and commercial or matrimonial and the offence is not heinous or does not impact the society at large, the Court can consider such request. In such a case awarding costs for putting the criminal law into motion on the act of the accused persons and thereafter both parties seeking quashing of proceedings by consent, in my opinion, can be considered by Court which can impose costs on the parties, especially so in matters coming before the Court by "consent quashing".

16. For above levy of costs the legal principle rests on the logic that criminal law cannot be used as a bargaining chip or a tool for private settlements after draining the State and judicial resources. In simple words, Courts cannot be used as a recovery mechanism to settle scores and/or bring the parties into subjugation. I am of the firm opinion that imposition of costs in consent quashing matters is required to be levied for three main reasons viz., wastage of public resources, consumption of valuable judicial time and for deterrence against vexatious litigation. This is because after criminal machinery is set into motion, the Police Department is forced to take cognizance, conduct investigations, attend courts, deploy personnel, collect evidence and draft chargesheets, all using public funds/ public

exchequer. Equally substantial judicial time of the Trial Courts and Sessions Courts is wasted for handling a case, presentation of a case, issuance of summons, scheduling of trial dates, appointment of prosecutors and their fees, etc. and ultimately if consent quashing is allowed such judicial time stands completely wasted, which could have otherwise been used for genuine Trial Court matters/ litigation in one way such matters result in clogging the legal system and lead to humongous pendency which becomes difficult to tackle.

17. Another aspect to consider for imposing costs is that it curbs the growing trend of filing strategically exaggerated criminal complaints (especially matrimonial or commercial disputes) simply to force financial and legal settlements. This aspect is considered with the other Petitions for consent quashing. In a given case made out on merits of the matter, even the Complainant can be put to costs while considering a quashing Petition purely on merits depending upon the facts of each case before Court. In some strong circumstances, even the State machinery can be put to costs if a purely civil dispute between parties strongly emanating from the facts on record is registered as criminal case and given the flavor of criminality. This Court is also equally conscious about not imposing costs blindly or mechanically if a particular party is not found to be remiss or at explicit fault for abusing the law, as also conscious about heinous offences impacting the society at large while considering consent quashing.

18. Applying the aforesaid principles to the facts of the present case, though the consequential act / incident resulted in a very serious accident / result however, not having knowledge being one of the principal reason and the incident having occurred on the spur of the moment without predetermined intent or premeditation and most importantly adhering to the wish of the Complainant and her stance in her affidavits, that if Petitions are rejected, not only the ignominy of the Complainant will be protracted further, but the trial will take a long time to conclude and it would cause further trauma to the Complainant, present Petitions are considered. Though parties have settled the matter amongst themselves amicably and desire to move on in their lives, especially when Complainant expressly so desires, the act of both the Petitioners being violent leading to filing of Complaint and its after effects being serious, I am inclined to levy exemplary costs on both the Petitioners to be paid to charity as directed by the Court hereinunder for allowing these two Petitions by consent quashing. Hence in the above circumstances, I am of the opinion that the Petitioners for their actions resulting in the complainant invoking criminal proceedings and setting criminal law into motion and now both parties seeking quashing by consent and, Petitioners being primarily responsible, they should pay costs. Hence, Petitioners are directed to pay costs to charity. Petitioner in Writ Petition No.1139 of 2026 is directed to pay costs of Rs.1,00,000/- (Rs. One Lakh only)

towards the Corpus of **A.K. Munshi Yojana** a trust which runs medical centres, vocational training centres and which also runs a Special School called **J.T. Sheth Mandbuddhi Vikas Kendra**, imparting education and training to the needs of 150 special children in the field of Education (Classes for 6 to 18 years), early intervention (upto 6 years) and vocational training (18 years above) having its school address and building at A.K. Munshi Yojana Chowk, 3rd Panjarapole Lane, C.P. Tank, Mumbai – 400 004 [Contact Nos. 22425513 / 22423654] registered under the Society Registration Act, XXI of 1980 under No. : 387/81 GBBSD and the Public Trust Act, XXIX of 1950 under No. F-6809. RCI Reg. No. 0163. Petitioner in Writ Petition No.1140 of 2026 is directed to pay costs of Rs.1,00,000/- (Rs. One Lakh only) to Anand Mangal Bahuuddeshiya Sanstha, registered NGO and Trust situated at Malegaon working at the grassroots level towards social welfare, holistic upliftment, sustainable community development of destitutes, marginalized women, elderly persons by providing them shelter, dignity, daytime care services, medical care, promoting women empowerment by livelihood training and practical vocational skill training programs in rural and urban areas, supports skill development and health care access and emergency relief for vulnerable community groups and at present providing complete shelter, nutritious meals and complete healthcare to 28 destitute seniors and 6 individuals with intellectual disabilities at their Malegaon Headquarters. The details of

this Sanstha for payment of costs are as under:-

Name of Bank:	Bank Of Maharashtra
Account Number:	60434381304
IFSC Code:	MAHB0002075
MICR Code:	423014102

Registered Name: Anand Mangal Bahuuddeshiya Sanstha, Malegaon.

Registration No.: MAHA/2909/Nashik | F-15352 / Nashik,

Office Address: S.No. 39/2/4D/41/1, Plot No.13, Near Panchaganga Auto Showroom, Malegaon, Dist. Nashik, Maharashtra,

Mobile No.: +91 8208525304.

19. The above costs as directed shall be paid by both the Petitioners within one week from date of uploading of this order. Both Petitioners through their learned Advocates agree to pay the aforesaid costs amount to the above charity.

20. In view of the above, both Petitions are allowed subject to payment of costs as directed herein above in terms of prayer clause 'I' in both Petitions which read thus:-

Writ Petition No.1139 of 2026. (Allowed in terms of prayer clause I).

"I. That, the Hon'ble Court be pleased to quash the impugned First Information Report bearing no.1102 of 2025 dated 19.01.2026 registered with the Amboli Police Station for the offences punishable under 74, 115(2), 118(2), 351(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 and all consequential

> *proceedings arising therefrom, including the charge-sheet final report vide Sessions Case No.72/2026 pending before the Hon'ble Sessions Case at Dindoshi, Mumbai;."*
>
> ***Writ Petition No.1140 of 2026. (Allowed in terms of prayer clause I).***
>
> *"I. That, the Hon'ble Court be pleased to quash the impugned First Information Report bearing no.1102 of 2025 dated 19.01.2026 registered with the Amboli Police Station for the offences punishable under 74, 115(2), 118(2), 351(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 and all consequential proceedings arising therefrom, including the charge-sheet final report vide Sessions Case No.72/2026 pending before the Hon'ble Sessions Case at Dindoshi, Mumbai;."*

21. List both these Writ Petitions for compliance of the order on **23rd September 2026**.

22. Writ Petition Nos.1139 of 2026 and 1140 and 2026 are allowed and disposed in terms of prayer clause "I" and as a result of this order of consent quashing of FIR and chargesheet No.1102 of 2025 and Sessions Case No.72 of 2026, both Petitioners are directed to be released from prison forthwith on the basis of a certified copy of this order downloaded from the website of the Bombay High Court and on due compliances in accordance with.

23. Advocates in both Petitions for Petitioners shall remain present and show compliance on behalf of both Petitioners on the returnable date for compliance. If they do not remain present and there is non-compliance of this order, Court will pass appropriate order for recall of this order, which shall be noted by the Petitioners.

24. Both Writ Petition Nos.1139 of 2026 and 1140 of 2026 are allowed and disposed.

Writ Petition No.1192 of 2026 (For quashing of second FIR No.1127 of 2025 dated 23.11.2025).

25. This Writ Petition is filed for consent quashing by Petitioner – accused person namely Amrina Fernandes, who is the Complainant in FIR No.1911 of 2025 registered with Amboli Police Station. Complainant in this Writ Petition is Yashvi Shah, who is the sister of Tanay Shah (Accused No.1 in FIR No.1911 of 2025). Complainant has filed this FIR against Petitioner for molestation and outraging her modesty. It is filed on 23.11.2025 with regard to the incident of 19.11.2025 in the lift which is the subject matter of FIR dated 19.11.2025.

26. According to Complainant, when five persons were going down in the lift on 19.11.2025 post midnight, Rhythm Goyal, fiance of Complainant was poking fun amongst the members of the group and his such loud talk was objected to by Petitioner Amrina Fernandes which led to a verbal scuffle and a physical fight thereby injuring the Petitioner on her head. According to Complainant, when the lift landed on the ground floor, two bouncers assisted the Petitioner and had a fistfight with Rhythm Goyal and Tanay Shah thereby injuring them. In this imbroglio, it is the Complainant's case that she was molested

physically by the bouncers and Petitioner also.

27. Charge sheet is not filed herein. Consent affidavit of Complainant Yashvi Shah dated 12.03.2026 is placed on record. She is present in Court. Equally, Petitioner - Amrina Fernandes is also present in Court. I have interacted with both of them. Both the women desire that they have amicably settled the dispute and do not desire to carry on with the criminal proceedings any further and wish to carry on with their respective lives. They therefore persuade the Court to consider consent quashing so that the future life of theirs and their family members is fruitful and happy without the ignominy of the pending criminal proceedings and mere so when the parties to the principal FIR have settled the issue amicably and come before the Court. I have considered the Consent Affidavit of the Complainant – Yashvi Shah wherein in paragraph Nos.4, 5 and 6 wherein she states as under:-

> *3. I say that, with the intervention of well-wishers and elders, and in order to secure peace and avoid further litigation, the disputes and misunderstandings have been resolved amicably between me and the Petitioner and the concerned parties. I state that, I do not desire to continue the criminal proceedings arising out of the aforesaid FIR and the consequential proceedings.*
>
> *4. I say that I am executing this Affidavit voluntarily, out of my free will, and without any force, coercion, threat, undue influence, pressure or inducement from any person whatsoever. I fully understand the contents of this Affidavit and the consequences of giving this consent/no objection.*
>
> *5. I state that, I have no objection if this Hon'ble Court is pleased to allow the present Writ Petition and quash FIR bearing No. 1127 of 2025 under Sections 74, 115(2), 118(1), 351(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 registered at Amboli Police Station on 23rd November, 2025.*
>
> *6. I further state that upon quashing of the aforesaid FIR and*

> *proceedings, 1 shall not raise any grievance and/or claim against the Petitioner arising out of the allegations forming part of the said FIR, and I confirm that I do not wish to pursue the said prosecution.*

28. Considering that this complaint would be in the nature of a cross-complaint otherwise and respecting the views of the two women who have persuaded the Court who are parties herein, I am inclined to accept their request for consent quashing. No order is made for costs. In that view of the matter, Writ Petition No.1192 of 2026 stands allowed in terms of prayers clause "(a)" which reads as thus:-

> *"(a) This Hon'ble Court be pleased to issue an appropriate writ, order or direction calling for the records, papers and proceedings related to the said FIR being FIR No. 1127 of 2025 dated 23rd November 2025 with Amboli Police Station for offences under Sections 74, 115(2), 118(1), 351(2) an 3(5) of the Bhartiya Nyaya Sanhita, 2023 against the Petitioner and after going through the legality, propriety and validity of the same be pleased to quash and/or set aside the same against the Petitioner;"*

Writ Petition No.207 of 2026 (For quashing of third FIR No.676 of 2025 dated 24.12.2025).

29. In this Writ Petition, the FIR is numbered as 676 of 2025 dated 24.12.2025. It is filed by Arvind Goyal, father of Rhythm Goyal (Accused No.2 in the FIR dated 19.11.2025). The accused person in this case is Amrina Fernandes (Complainant in FIR dated 19.11.2025). FIR is filed with N.M. Joshi Marg Police Station with the Anti Extortion Cell.

30. According to Complainant, Petitioner has committed the offence of extortion and the Complainant alongwith the Anti Extortion Cell had laid a trap in a hotel in Lower Parel where the Petitioner was cajoled to come and meet him through her common friend called one Hemlata Patkar @ Hemlata Bane and two other persons.

31. I need not go into the entire details of the trap as also the facts of this case since both the parties are before me and persuade me to quash the case by consent. The Affidavit of consent of Arvind Goyal dated 12.03.2026 is placed on record. He as well as Petitioner Amrina Fernandes have persuaded me to consider consent quashing of the FIR in view of the parties having arrived at an amicable settlement with regard to the principal FIR dated 19.11.2025 pertaining to the incident in question.

32. In this case, charge-sheet has already been filed. Though insofar as the charges are concerned, they all emanate with regard to the incident in question which occurred on 19.11.2025. According to Petitioner, 3 other persons whose names and details are given in the Petition and whose statements have also been recorded, cajoled her and laid a trap to corner her at the instance of Complainant and a false case has been foisted on her.

33. Be that as it may, since both the parties have vehemently persuaded the Court to consider consent quashing since they have

settled the overall issues amicably and desire to move on with their lives, the Petition is considered. In the Affidavit of consent of Arvind Goyal who is a senior citizen and father of Accused No.2 in FIR No.1102 of 2025 dated 19.11.2025, he has stated as under:-

> *3. I further say that the meetings referred to in the complaint were held with the intervention of well-wishers. However, without prejudice I say that, after a lapse of 3 months from filing of the complaint and upon reasonable thinking I have come to realize that the offence complained off by me of criminal intimidation is a compoundable offence and does not amount to extortion.*
>
> *4. I say that I am executing this Affidavit voluntarily, out of my free will, and without any force, coercion, threat, under influence, pressure or inducement of any person whatsoever. I fully understand the contents of this Affidavit and the consequences of giving the consent/no objection.*
>
> *5. I state that, I have no objection if this Hon'ble Court is pleased to allow the present Writ Petition and quash the said Chargesheet arising out of FIR No. 676 of 2025 registered with N.M. Joshi Margh Police Station, Mumbai, and a corresponding CR No. 126 of 2025 registered with Anti Extortion Cell, Mumbai, both registered on 24th December, 2025 for offences punishable u/s. 308(7) and 61(2) of the BNS Act, 2023 and the consequent Chargesheet in Case No. PW/206/2026 filed before the 37th Ld. Additional Chief Judicial Magistrate presiding at Esplanade Court, Mumbai u/s. 308(2), 308(4), 308(7) and 61(2) of the BNS Act, 2023.*
>
> *6. I further state that upon quashing of the aforesaid FIR and proceedings, I shall not raise any grievance and/or claim against the Petitioner arising out of the allegations forming part of the said FIR, and I confirm that I do not wish to pursue the said prosecution.*

34. Considering the request made and more specifically after hearing Petitioner who is an accused in the present case, who incidentally despite being a victim and complainant in the incident of 19.11.2025 has put an end to the principal FIR/offence and adhering to her request, I am inclined to consider the consent Affidavit and

allow the Petition. The Petition therefore stands allowed in terms of prayer clause "a" reproduced hereunder:-

> *"a" This Hon'ble Court be pleased to issue an appropriate writ, order or direction calling for the records, papers and proceedings related to the said Crime Branch FIR being FIR No.676 of 2025 r/w. CR No.126 of 2025 and Chargesheet dated 27.02.2026 filed before the Ld. ACJM 37th Court, Esplanade Court Mumbai for offences under sections 308(2), 308(4), 308(7) and 61(2) of the BNSS, 2023 against the Petitioner and after going through the legality, proprietary and validity of the same be pleased to quash and/or set aside the same against the Petitioner.*

35. However there shall be no order as to costs.

Writ Petition No.1584 of 2026 (For quashing of FIR No.676 of 2025 and CR No.126 of 2025).

36. In this Writ Petition, the FIR is numbered as 676 of 2025 dated 24.12.2025. It is filed by Arvind Goyal, father of Rhythm Goyal (Accused No.2 in the FIR dated 19.11.2025). The accused person in this case is Hemlata Patkar alias Hemlata Bane. FIR is filed with N.M. Joshi Marg Police Station with the Anti Extortion Cell.

37. According to Complainant, Petitioner committed the offence of extortion and the Complainant alongwith the Anti Extortion Cell laid a trap in a hotel in Lower Parel where the Petitioner was cajoled to come and meet him through her common friend called Amrina Fernandes and two other persons.

38. I need not go into the entire details of the trap as also the facts of this case since both the parties are before me. The Affidavit of consent of Arvind Goyal dated 30.08.2026 is placed on record. He as well as Petitioner Hemlata Patkar have persuaded me to consider consent quashing of the FIR in view of the parties having arrived at an amicable settlement with regard to the principal FIR dated 19.11.2025 pertaining to the incident in question.

39. In this case, charge-sheet has already been filed. Though insofar as the charges are concerned, they all emanate from the principal incident in question which occurred on 19.11.2025. According to Petitioner, 3 other persons whose names and details are given in the Petition and whose statements have also been recorded, cajoled her and laid a trap to corner her at the instance of Complainant and a false case has been foisted on her.

40. Be that as it may, since both the parties have persuaded the Court to consider consent quashing so that they can carry on with their lives, the Petition is considered. In the Affidavit of consent of Arvind Goyal, he has stated as under:-

> *3. I further say that the meetings referred to in the complaint were held with the intervention of well-wishers. However, without prejudice I say that, after a lapse of 3 months from filing of the complaint and upon reasonable thinking I have come to realize that the offence complained off by me of criminal intimidation is a compoundable offence and does not amount to extortion.*
>
> *4. I say that I am executing this Affidavit voluntarily, out of my*

free will, and without any force, coercion, threat, under influence, pressure or inducement of any person whatsoever. I fully understand the contents of this Affidavit and the consequences of giving the consent/no objection.

5. I state that, I have no objection if this Hon'ble Court is pleased to allow the present Writ Petition and quash the said Chargesheet arising out of FIR No. 676 of 2025 registered with N.M. Joshi Margh Police Station, Mumbai, and a corresponding CR No. 126 of 2025 registered with Anti Extortion Cell, Mumbai, both registered on 24th December, 2025 for offences punishable u/s. 308(7) and 61(2) of the BNS Act, 2023 and the consequent Chargesheet in Case No. PW/206/2026 filed before the 37th Ld. Additional Chief Judicial Magistrate presiding at Esplanade Court, Mumbai u/s. 308(2), 308(4), 308(7) and 61(2) of the BNS Act, 2023.

6. I further state that upon quashing of the aforesaid FIR and proceedings, I shall not raise any grievance and/or claim against the Petitioner arising out of the allegations forming part of the said FIR, and I confirm that I do not wish to pursue the said prosecution.

41. Considering the request made and more specifically after hearing Petitioner who is an accused in the present case, I am inclined to consider the Consent Affidavit and allow the Petition. The Petition therefore stands allowed in terms of prayer clause "a" reproduced hereunder:-

"(a) This Hon'ble Court be pleased to issue an appropriate writ, order or direction calling for the records, papers and proceedings against the Petitioner in relation to the said Crime Branch FIR being FIR No. 676 of 2025 r/w. CR No. 126 of 2025 registered with NM Joshi Marg Police Station and DCB CID Anti Extortion Squad Crime Branch, Mumbai Police dated 24th December 2025 for offences under Sections 61 (2) and 308 (7) of the Bhartiya Nyaya Sanhita, 2023 (Pls see Rider No.X) against the Petitioner and after going through the legality, propriety and validity of the same be pleased to quash and/or set aside the same against the Petitioner;

Rider No.X

and Chargesheet bearing No. 206/PW/2026 pending before Ld. Addl. Chief Metropolitan Magistrate's 37th Court, Esplanade, Mumbai."

42. No order as to costs.

Writ Petition No.1306 of 2026 (For quashing of FIR No.676 of 2025 and CR No.126 of 2025).

43. Present Writ Petition is filed by one Valentine Francisco Silveira against Arvind Goyal. Charge sheet has been filed through Anti-Extortion Cell of N.M. Joshi Marg Police Station under FIR No.676 of 2025 dated 24.12.2025. Consent Affidavit of Arvind Goyal is dated 12.03.2026. Both the Petitioners and Complainant are before me. Affidavit of Consent Arvind Goyal is on record. Both the accused and Complainant have requested the Court to put an end to the matter. In view of the principal FIR dated 19.11.2025 having been resolved amicably and settled between all the parties thereto and the present FIR having emanated from the said incident in question, the Petition for consent quashing be allowed.

44. Since both the parties have persuaded the Court to consider consent quashing so that they can carry on with their lives, the Petition is considered. In the Affidavit of consent of Arvind Goyal, he has stated as under:-

> *3. I further say that the meetings referred to in the complaint were held with the intervention of well-wishers. However, without prejudice I say that, after a lapse of 3 months from filing of the complaint and upon reasonable thinking I have come to realize that the offence complained off by me of criminal intimidation is a compoundable offence and does not amount to extortion.*

4. I say that I am executing this Affidavit voluntarily, out of my free will, and without any force, coercion, threat, under influence, pressure or inducement of any person whatsoever. I fully understand the contents of this Affidavit and the consequences of giving the consent/no objection.

5. I state that, I have no objection if this Hon'ble Court is pleased to allow the present Writ Petition and quash the said Chargesheet arising out of FIR No. 676 of 2025 registered with N.M. Joshi Margh Police Station, Mumbai, and a corresponding CR No. 126 of 2025 registered with Anti Extortion Cell, Mumbai, both registered on 24th December, 2025 for offences punishable u/s. 308(7) and 61(2) of the BNS Act, 2023 and the consequent Chargesheet in Case No. PW/206/2026 filed before the 37th Ld. Additional Chief Judicial Magistrate presiding at Esplanade Court, Mumbai u/s. 308(2), 308(4), 308(7) and 61(2) of the BNS Act, 2023.

6. I further state that upon quashing of the aforesaid FIR and proceedings, I shall not raise any grievance and/or claim against the Petitioner arising out of the allegations forming part of the said FIR, and I confirm that I do not wish to pursue the said prosecution.

45. The Petition is allowed in terms of prayer clauses "a" to "d" which read as under:-

"(a) This Hon'ble Court be pleased to issue an appropriate writ, order or direction calling for the records, papers and proceedings related to the said Crime Branch FIR being FIR No. 676 of 2025 r/w. CR No. 126 of 2025 and Chargesheet dated 27th February 2026 filed before the Ld. ACJM 37th Court, Esplanade Court Mumbai for offences under sections 308(2), 308(4), 308(7) and 61(2) of the BNSS, 2023 against the Petitioner and after going through the legality, proprietary and validity of the same be pleased to quash and/or set aside the same against the Petitioner;"

(b) This Hon'ble Court be pleased to issue an appropriate writ, order or direction thereby quashing and setting aside the Order dated 2nd March 2026, passed by the Ld. ACJM 37th Court, Esplanade Court Mumbai against the Petitioner;

(c) This Hon'ble Court be pleased to issue an appropriate writ, order or direction thereby permanently restraining the Respondent Nos. 1 to 6 from taking any coercive action and/or initiating any proceedings and/or conducting any investigation against the Petitioner in relation to and/or emanating from the said Crime Branch FIR being FIR No. 676 of 2025 r/w. CR No. 126 of 2025 and Chargesheet dated 27th February 2026 filed before the Ld. ACJM 37th Court, Esplanade Court Mumbai;

> *(d) This Hon'ble Court be pleased to issue an appropriate writ, order or direction calling for the records, papers and proceedings related to the said Crime Branch FIR being FIR No. 676 of 2025 r/w. CR No. 126 of 2025 and Chargesheet dated 27th February 2026 filed before the Ld. ACJM 37th Court, Esplanade Court Mumbai for offences under sections 308(2), 308(4), 308(7) and 61(2) of the BNSS, 2023 against the Petitioner along with calling for all records in relation to the issuance of any Look Out Circular as alleged or at all and/or a Red Corner Notice as alleged or at all against the Petitioner and after going through the legality, proprietary and validity of the same be pleased to quash and/or set aside the same against the Petitioner;"*

46. However, in this Petition, Interim Application No.1394 of 2026 filed by one Intervenor called Deepak Ravi Kapoor. Mr. Gogawale represents the said Intervenor. It is the Intervenor's case that he is not the original Complainant in the extortion case, but his statement has been recorded as a witness by the Investigating Officer under Sections 161/162 of the Criminal Procedure Code. He has persuaded the Court not to quash the present FIR since the Intervenor has a very strong objection and would like to step into the shoes of the Complainant in the present case.

47. He would submit that as there is a legal bar for registration of multiple FIRs regarding the same offence, as held by the Apex Court in the case of ***T.T. Antony Vs State of Kerala & Ors.***[2] and ***Amish Devgan Vs. Union of India & Ors.***[3] , and therefore this Court should not allow consent quashing. When a pointed question is asked to Mr. Gogawale with regard to his *locus standi* in the present criminal proceedings

2 (2001) 6 SCC 181
3 (2021) 1 SCC 1

when he is neither the Complainant nor an accused person, nor such person who is interested in the matter, he would submit that the Apex Court has held that the doctrine of *locus standi* is alien and foreign to criminal proceedings and hence the present FIR be prosecuted by the State since the offence of extortion between parties is clearly seen and made out.

48. In support of this above submission, he would refer to and rely upon the decisions of the Supreme Court in the case of ***Manohar Lal Vs. Vinesh Anand and Ors.***[4] and ***A.R. Antulay Vs. Ramdas Sriniwas Nayak***[5]. He would submit that the term '*locus standi*' is a Latin term and the Supreme Court has held that Courts must hold a relaxed, traditional view of *locus standi* with a justice oriented approach in the case of ***Amanullah and Anr. Vs. State of Bihar & Ors.***[6]. He would submit that there is no point in pushing the Intervener to file a separate FIR with regard to the same offense, and therefore, this Court should not consider consent quashing. He would submit that Courts need to be extra cautious while exercising their inherent jurisdiction under Section 482 and it should be exercised in the rarest of rare cases and that too sparingly. He would refer to and rely upon the decision of the Supreme Court in the case of ***State of Haryana and Ors. Vs. Bhajan Lal and Ors.***[7]. and submit that the FIR of extortion which is filed by

4 (2001) 5 SCC 407
5 (1984) 2 SCC 500
6 1984 (2) SCC 500
7 1992 Supp (1) SCC 334

Arvind Goyal in the present case where the statement of the Intervener has been recorded, needs to be considered from the perspective of the offence which is committed. He would submit that quashing of such an FIR relating to an offence of extortion would send a wrong signal to the society at large and will have a serious impact on society.

49. Hence he would vehemently submit that, the decision to continue with the trial in the present offence should be the overriding element of public interest involved and the guilty should be punished for such a serious offense having committed. He would submit that the consent which has been obtained for quashing of FIR No.676 registered with N.M. Joshi Marg Police Station in the present case filed by Arvind Goyal against Valentine Francisco Silvera should not and cannot be treated to be a valid consent in such grievous offence.

50. He would draw my attention to the statement of the Intervener which has been recorded by the Investigating Officer, copy of which is appended on page No.61 of Writ Petition No.1306 of 2026 and persuade me to read and consider the same. He would submit that Petitioner well as the complainant and more specifically Amrina Fernandes were deeply involved in attempting to settle the matter and had held several meetings, details about which have been given in the aforesaid statement of the Intervener. He would submit that when such meetings are held the element of the offence of extortion comes to the

fore and such a serious and heinous offence cannot be allowed to be compounded by way of consent quashing.

51. He would draw my attention to Section 28 of the BNS Act, 2023 and vehemently contend that a consent is not such a consent as is intended by any section of this Sanhita, if the consent is given by a person under fear of injury or under a misconception of fact and if the person doing the act knows or has reason to believe that the consent was given in consequence of such fear or misconception. He would strongly rely upon the aforesaid proposition to submit that consent has been given in the present case for consent quashing of the FIR on the basis of and in consequence of the element of fear and misconception and it cannot be treated as a free consent.

52. He would also refer to the meaning of consent as contemplated in the *Oxford Law Dictionary* to be a consent by agreement of choice by one who has the freedom and capacity to make that choice. He would submit that consent is an essential criteria in a number of circumstances and it must be given freely without duress or deception and with sufficient legal competence.

53. While referring to the meaning of consent as contemplated in the *Black's Law Dictionary*, he would draw my attention to the fact that consent has to be a concurrence of wills and voluntarily yielding the will to the proposition of another and it should be an act or result of

coming into harmony or accord. He would submit that consent should be an act of reason accompanied with deliberation and therefore in the present case, in the manner in which the parties have proceeded with and the statement of the Intervenor having been recorded in the present case it *prima facie* shows deep involvement of the parties and hence, the consent given by the Complainant cannot be considered to be free.

54. He would submit that in the facts of the present case, the consent Affidavit cannot be treated as free consent, but it amounts to submitting and involves submission and according to him, a mere submission does not necessarily involve consent. He would submit that in that view of the matter, consent of the will and submission under the influence of fear or terror cannot amount to real consent and therefore he requests the Court to consider his Interim Application and reject Writ Petition No.1306 of 2026.

55. Mr. Gogawale has fairly informed the Court that, save and except the third FIR namely FIR No.676 of 2025 dated 24.12.2025, the Applicant/Intervenor does not have any grievance whatsoever with regard to the other 3 FIRs or the complaints which have been filed between the parties as also the settlement arrived at by the parties therein amicably. He would submit that the deep rooted conspiracy of extortion *prima facie* comes to the fore in the present case and

therefore the Consent Affidavit of Complainant should not be accepted by this Court.

56. I have considered the submissions made by Mr. Gogawale and perused the Interim Application on record. Equally, I have heard the parties to the said Intervention Application who have all made their submissions.

57. The submissions made by Mr. Gogawale are required to be addressed principally on the ground of *locus* which is the main objection of Respondents therein and all parties present before me. The Investigation Officer has recorded the statement of the Applicant. It has come on record that in the three (3) months following the week of principal incident in question on 19.11.2025, the family and well - wishers of the parties held meetings in view of the fact that complaint and cross - complaints were filed with regard to not only the principal incident in question but also with regard to the subsequent talks which took sometime to fructify amicably.

58. Complainant is the father of Accused No.2 in FIR dated 19.11.2025, grievance is about extortion which *prima facie* emanates from series of talks held between the parties. The principal offence is agreed to be settled and quashed as is observed in this order with adequate reasons. The Applicant in the Interim Application has no *locus* whatsoever with the principal offence as also with the

subsequent events. He is not the aggrieved party. The Complainant has filed a detailed Affidavit for "consent quashing". Complainant being father of the principal accused has described the aftermath of the incident which occurred on 19.11.2025. He has persuaded the Court to therefore quash his complaint/FIR because of the mutual and amicable settlement between the principal accused who is his son and the principal Complainant. The Petitioner in this FIR also agrees. A witness whose statement is recorded, who has nothing to do with the principal incident in question, neither concerned cannot intervene and seek continuation of criminal proceedings.

59. Hence, if the Applicant is aggrieved he has his remedy in law which he can pursue in accordance with law as available to him without intervening in this case to which he has no nexus. This Court is fully aware about the powers under Section 482 Code of Criminal Procedure, 1973 and how the said powers are required to be used in a given case on overall consideration of not only the facts but also the incident in question and the wish and desire of the parties in the facts of the given case.

60. This Court therefore invokes the above provision to step in where cases have been instituted with malafide motives or to harass the accused person thereby to avoid procedural harassment. The exercise of powers under this provision is discretionary and varies from

case to case. Here is the case before me where the offence is infact emanating from the original principal offence and incident of 19.11.2025.

61. It is clearly seen that pursuant thereto parties thereafter started negotiating and helping each other and several rounds of talks took place. The principal offence is settled amicably. The issue was squarely between two private individuals. The interest of Applicant through the Interim Application to oppose "consent quashing" is therefore not understood by the Court. It could very well be for extraneous reasons also. The offence in question in this FIR cannot be deemed to be a grievous offense equivalent to murder, rape or dacoity so as to have societal implications. The incident itself happended on the spur of moment. Parties have accepted the same. They wish to move on. In my opinion a quietus and closure is therefore required to be put to the issue because the Complainant's Affidavit not only in this FIR but the Complainant's Affidavit in all other FIRs also persuades the Court to resolve and quash the proceedings.

62. All consequential process orders including any Non Bailable Warrants, Look Out Circulars or any such process or proceedings in any of the aforesaid FIRs which have not been decided or are pending by virtue of this order also stand quashed and set aside.

63. Resultantly, FIR No.1102 of 2025 dated 19.11.2025, Second FIR No.1127 of 2025 dated 23.11.2025, Third FIR No.676 of 2025 dated 24.12.2025 and Fourth FIR being CR No.126 of 2025 dated 27.02.2026 in the respective Police Stations and all consequential proceedings therein are quashed and set aside.

64. In that view of the matter, Writ Petition No.207 of 2026, Writ Petition No.1140 of 2026, Writ Petition No.1139 of 2026, Writ Petition No.1192 of 2026, Writ Petition No.1306 of 2026 and Writ Petition No.1584 of 2026 are allowed and disposed.

65. Interim Application No.1394 of 2026 is dismissed.

[MILIND N. JADHAV, J.]

Ajay

AJAY TRAMBAK UGALMUGALE

Digitally signed by AJAY TRAMBAK UGALMUGALE
Date: 2026.09.11 21:03:01 +0530