

Ajay

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

CRIMINAL APPLICATION NO. 1638 OF 2026

Krishnapal Charanpal Singh and Ors.

.. Applicants

Versus

State of Maharashtra and Anr.

.. Respondents

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- Ms. Sonal Parab a/w. Ms. Esha Rane, Advocates for Applicants.
 - Mr. Yogesh M. Nakhwa, APP for Respondent – State.
 - Mr. Priyatosh R. Tiwari, Advocate for Respondent No.2 – Complainant.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 11, 2026.

P.C.:

1. Heard Ms. Parab, learned Advocate for Applicants; Mr. Nakhwa, learned APP for Respondent No.1 – State and Mr. Tiwari, learned Advocate for Respondent No.2 – Complainant.

2. The dispute and *lis* between the parties emanated out of exchange of monies and non-payment thereof led to filing of the FIR for cheating and breach of trust.

3. The parties have reconciled and have exchanged the monies. Consent terms dated 30.08.2026 are appended at Exhibit 'B' - page 29 in which it is stated that Complainant has already received Rs.30 lakhs and on the date of quashing of the present Application, a Demand Draft of Rs.10 lakhs will be received by her. The Demand Draft of

Rs.10 lakhs is handed over to the Complainant who is present in Court through her Advocate Mr. Tiwari. (Demand Draft No.934988 of HDFC Bank, dated 17.08.2026) The consent Affidavit is filed by the Complainant. She is present in Court. I have interacted with her. She confirms the receipt of all the aforesaid amounts and the Demand Draft.

4. 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.

5. In *State of Harayana vs Bhajan Lal*¹ the Supreme Court laid down model categories and guidelines in paragraph No. 102 of the

¹ 1992 AIR 604

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 because they involve societal implication.

6. 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".

7. 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.

8. 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. 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.

9. Applying the aforesaid principles to the facts of the present case, I am of the opinion that the Applicants for their actions resulting in the complainant invoking criminal proceedings and now both the parties seeking quashing by consent, the Applicants should pay costs. Hence, Applicants are directed to pay costs of Rs.25,000/- to **Account Name: Bar Council of Maharashtra and Goa Advocate Aid Fund; Bank Name: State Bank of India; Branch Name: Mumbai Main Branch; Account No.10996711937; IFS Code: SBIN0000300 and Type of Account: Savings Account.** All Applicants are present in Court and through their learned Advocates agree to pay the aforesaid costs amount as directed.

10. In this view of the above, both the learned Advocates persuade the Court to allow the Application by consent quashing. The Application stands allowed in terms of prayer clause (a) which reads thus:-

“(a) That this Hon’ble Court be pleased to quash FIR No. 0484 of 2026 filed by the Respondent No. 2 at Mankhurd Police Station, Mumbai for alleged offences punishable 3(5), 318(4) of Bhartiya Nyaya Sanhita, 2023 against the Applicants/Accused on such terms and conditions as this Hon’ble Court may deem fit and proper.”

11. In view of the above, Criminal Application is disposed.

[MILIND N. JADHAV, J.]

Ajay

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by AJAY
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