

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4716 OF 2026

Aakash Pawankumar Gupta & Anr. .. Petitioners

Versus

State of Maharashtra & Anr. .. Respondents

WITH

WRIT PETITION NO. 4717 OF 2026

Amit Tipnis .. Petitioners

Versus

State of Maharashtra & Anr. .. Respondents

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- Mr. Akhilesh Dubey a/w Mr. Amit Dubey & Ms. Esha Joshi,
Advocates for Petitioners in WP 4716/2026
- Mr. Ayush Kedia, Advocate for Petitioner in WP 4717/2026
- Mr. Pravin Pawar, PI, EOW Banking - 2

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 18, 2026

P. C.:

- 1.** Heard learned Advocates appearing for the parties.
- 2.** The present Petitions are filed seeking quashing and setting aside of the FIRs and the consequential proceedings arising therefrom.
- 3.** Both the Petitions relate to cross complaints filed between the parties though the amounts involved are different. Both the parties have reconciled their dispute and have settled their respective claims by exchange of monies. All parties are present before the Court and

they persuade the court to quash the criminal proceedings by consent quashing. Considering the dispute between the parties and the nature of the offence, I am inclined to allow both the Petitions.

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 said judgment in which the FIRs can be quashed. The Supreme Court has further asserted that power under Section 482 is an

1 1992 AIR 604

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 Petitioners for their actions resulting in the Complainant invoking criminal proceedings and now both the parties seeking quashing by consent, the Petitioners are directed to pay costs of Rs. 25,000/- each to charity as under:-

- (i) Petitioners in Writ Petition No.4716 of 2026 shall pay costs of Rs. 25,000 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.

- (ii) Petitioners in Writ Petition No.4717 of 2026 shall pay costs of Rs.25,000/- 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.

10. Petitioners through their Advocates agree to pay the aforesaid costs amount to the charity within a period of two weeks from today.

11. In view of the above matter, the present Petitions deserves to be allowed subject to payment of costs as directed herein above. Both the Petitions are allowed in terms of their respective prayer clauses (a) & (b) which read thus:-

CRIMINAL WRIT PETITION NO. 4716 OF 2026:-

- “a That, the records and proceedings with respect to FIR No. 1863 of 2026 registered with Bandra Police Station dated 04.09.2026 under Sections 318(4), 351(2) and 3(5) of the Bhartiya Nyaya Sanhita 2023, re-registered as CR No. 82 of 2026 with the Economic Offence Wing, Mumbai be called for and the same be quashed and set-aside;*
- b. That, the Settlement Agreement and the Affidavit of the Complainant be taken on record.”*

CRIMINAL WRIT PETITION NO. 4717 OF 2026:-

- “a That, the records and proceedings with respect to FIR No. 1863 of 2026 registered with Bandra Police Station dated 04.09.2026 under Sections 318(4), 351(2) and 3(5) of the Bhartiya Nyaya Sanhita 2023, re-registered as CR No. 82 of 2026 with the Economic Offence Wing, Mumbai be called for and the same be*

quashed and set-aside;

- b. *That, the Settlement Agreement and the Affidavit of the Complainant be taken on record."*

12. List Both the Writ Petitions for compliance of the order regarding payment of costs on **9th October, 2026**.

13. In addition to the above, Mr. Kedia informs that the last tranche of settlement amount is likely to be received by his client after the order for consent quashing is passed and uploaded by this court. Compliance to that effect shall also be informed to the Court on the date of compliance.

14. Learned Advocate for Petitioners shall remain present and show compliance 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.

15. Both the Petitions are allowed and disposed.

[MILIND N. JADHAV, J.]

Amberkar

Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
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2026.09.19
16:23:00 +0530