

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1174 OF 2026

Anil Kumar and Ors. .. Applicants
Versus
The State of Maharashtra and Anr. .. Respondents

WITH
INTERIM APPLICATION NO.702 OF 2025
IN
CRIMINAL APPLICATION NO.1174 OF 2026

Anil Kumar and Ors. .. Applicants
Versus
The State of Maharashtra .. Respondent

WITH
INTERIM APPLICATION NO.701 OF 2025
IN
CRIMINAL APPLICATION NO.1174 OF 2026

Anil Kumar and Ors. .. Applicants
Versus
The State of Maharashtra .. Respondent

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- Mr. Meghshyam Kochrekar, Advocate i/by Mr. Ameya Lambhate for Applicants.
- Mr. Amit Munde, Additional P.P. for Respondent No.1 – State.
- Mr. Maitreya Shukla, Advocate for Respondent No.2.
- PSI – Dinesh Palav, Marine Drive Police Station.

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CORAM : MILIND N. JADHAV, J.
DATE : AUGUST 29, 2026

P.C.:

1. Heard Mr. Kochrekar, learned Advocate for Applicants; Mr. Munde, learned Additional PP for Respondent No.1 – State and Mr. Shukla, learned Advocate for Respondent No.2.

2. This Application is filed under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with C.R.No.44 of 2022 registered with Marine Drive Police Station for offences punishable under Sections 420, 417, 418 and 120B of the Indian Penal Code, 1860 and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors Act, 1999.

3. Mr. Shukla, learned Advocate for Respondent No.2 is permitted to file the Vakalatnama and Registry shall accept the same within a period of two weeks from today.

4. The issue and *lis qua* singular dispute stands resolved by he having being paid the entire amount and he filing the Consent Affidavit dated 14.07.2026. The copy of the Affidavit is placed before me. I have perused the same.

5. 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.

6. 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 because they involve societal implication.

7. 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

¹ 1992 AIR 604

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”.

8. 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.

9. 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.

10. 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 complaint 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 a charity / charitable organization Anand Mangal Bahuuddeshiya Sanstha. All Applicants are present in Court and through their learned Advocates agree to pay the aforesaid costs amount to the charity.

11. I direct payment of costs 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.

12. In view of the above matter, the present Petition deserves to be allowed subject to payment of costs as directed herein above. It is so allowed in terms of prayer clauses 'a1' which reads thus:-

“(a1) That this Hon’ble Court be pleased to quash and set aside FIR/44/2010 lodged at Marine Drive Police station and chargesheet filed. Pending trial before Sessions Court Mumbai by MPID Spl. Case No.1512 of 2020”

13. Needless to state that if any consequential action pursuant to the aforesaid filing of the FIR and the charge-sheet has been taken at the instance of the Applicant, the same shall stand vacated with the passing of this order.

14. Advocates in all Applications for Applicants shall remain present and show compliance on behalf of all Applicants 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 Applicants.

15. List the Criminal Application for compliance of the order regarding payment of costs on **11th September 2026**.

16. Criminal Application No. 1174 of 2026 is allowed and disposed. In view of disposal of Criminal Application, Interim Application Nos. 701 of 2025 and 702 of 2025 are accordingly disposed.