

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 595 OF 2024

Mr. Rahil Ahmed Khurshid Khan
Age – 34 years, Occu. - Business,
R/at – 62, Khajurwala Building,
Room No. 9, 1st Floor,
Kambekar Street, Dongri,
Mumbai – 400 003.

... Petitioner
(Org. Accused)

V/s.

1. State of Maharashtra,
At the Instance of Sr. P.I.,
B.K.C. Police Station.

... (Org. Complainant)

2. Mr. Mohammed Ajaz Khan,
Age – 29 Years, Occu.-Business,
R/at – 82/92, Rafia Manzil,
4th Floor, Room No. 402,
Bara Imam Road,
Opp. Rafiya Masjid,
Null Bazar, Mumbai – 400 003.

... (Org. First Informant)
... Respondent Nos.1 & 2.

Mr. Taraq Sayed a/w Mr. Pratap M. Nimbalkar for the Petitioner.

Mr. V.B. Konde Deshmukh, Addl. P. P. for the Respondent-State.

Mr. Madan Gupta for the Respondent No. 2.

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.**

DATE : 30TH SEPTEMBER, 2025.

ORDER (SANDESH D. PATIL, J.) :-

1. By this petition, the Petitioner seeks quashing and setting aside of the FIR bearing C.R. No. 40 of 2020 lodged with the BKC Police Station, Mumbai for the offences punishable under Sections 406, 419, 420, 466, 467, 470, 471 read with Section 34 of the Indian Penal Code.

2. The Petitioner is the original accused and the Respondent no.2, the original complainant. According to the Respondent no.2, he alongwith some of his friends and the Petitioner, were partners of one Partnership Firm, by the name 'M/s Friends and Co.'; that the partners jointly owned a restaurant by the name 'Rustico' in Fort, Mumbai; that there were a total of seven Partners in the Partnership Firm, when the Partnership Firm had started; that in July 2018, the partners of the Partnership Firm received a letter from the Kotak Mahindra Bank on 23rd July 2018, stating therein,

that the loan applied for by the Partnership Firm for twenty lakhs had been approved; that when the partners discussed about the said letter amongst themselves, they learnt that the Petitioner had applied for the said loan from the bank. The Respondent no.2 has alleged that the Petitioner had applied for the said loan without informing the partners, pursuant to which he lodged an FIR as against the Petitioner alleging offences punishable under Sections 406, 419, 420, 466, 467, 470, 471 read with section 34 of the Indian Penal Code.

3. The Petitioner has applied for quashing of the above stated FIR contending that the dispute was essentially between the partners of the partnership firm. Since, the partners have amicably settled the dispute amongst themselves, the parties seek quashing of the FIR, by consent. It is also contented by the Petitioner that the dispute was essentially a civil dispute.

4. The Respondent no.2 appeared in the petition and filed his affidavit. The Respondent no.2 has in his affidavit stated that

the dispute between the parties is settled and that he has no objection if the petition is allowed. The respondent No.2 on being questioned, reiterates that he has filed the affidavit voluntarily and that there was no force, pressure and coercion exercised upon the Respondent no.2 and that he has no objection if the FIR is quashed. The parties are identified by their respective advocates.

5. We have perused the petition and the affidavit filed by the Respondent no.2- Complainant. Having done so, we are of the opinion that the dispute between the parties is essentially a civil dispute. Even otherwise the parties have amicably settled their dispute. The dispute between the parties does not impact the public at large, or the society as such. Since the parties have amicably settled their dispute and that they do not wish to litigate further, in our opinion, this is a fit case, where the First Information Report can be quashed. We are informed that chargesheet has also not been filed in the said case.

6. In the result, we pass the following order:

- i. The Writ Petition is allowed in terms of prayer clause-a,
which reads as under :-

(a) On reading of the consent of the parties to the Petition, the C.R.No. 40 of 2020, lodged by the BKC Police Station the offences punishable under Sections 406, 419, 420, 466, 467, 470, 471 r/w 34 IPC be quashed.
 - ii. The parties to pay costs of Rs. 50,000/- (Rupees fifty thousand) each to the Mumbai Police Welfare Fund, bearing Account No. 465010100008693, **Bank Name : Axis Bank, Branch Name : Upper Govind Nagar, IFSC No.UTIB0000465** within a period of three weeks from today.
7. Petition stands disposed of on the aforesaid terms.
 8. Place the petition for compliance on **13th November 2025**.
 9. All parties to act on the authenticated copy of this order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)