

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

WRIT PETITION NO. 22 OF 2025

Khalid Subhan Ansari ... Petitioner
versus
The State of Maharashtra & Anr. ... Respondents

...
Ms.Tahzeen M. Khan i/b. The Legal.Com for the Petitioner.
Ms.Supriya Kak, APP for Respondent No.1, State.
Ms.Anita Siran with Ms.Anita Sinah for Respondent No.2.

...

**CORAM : RAVINDRA V. GHUGE AND
RAJESH S. PATIL, JJ.**

DATE : 20th January, 2025

P.C. :

1. The Petitioner is Accused No. 5 in First Information Report (FIR) No. 0652 of 2022, dated 27th December, 2022 registered with the Trombay Police Station, Brihan Mumbai City. Sections 406, 420 and 34 of the Indian Penal Code, 1860 (the IPC), have been invoked.

2. The Petitioner/Accused and Respondent No.2, the Complainant, have approached this Court for seeking quashing of the FIR, by consent. The Complainant is not aware as to whether Accused Nos. 1 to 4 and 6 have filed similar Petitions for seeking quashing of the FIR.

3. We have considered the submissions of the learned Advocates for the litigating parties and the learned APP. With their assistance, we have gone through the voluminous Petition paper-book.

4. It is apparent that a civil dispute has been given the colour of a criminal dispute by filing an FIR. The Complainant is a purchaser of a flat. The Petitioner is the agent, who had mediated for the sale of the flat. The Complainant deposited Rs. 71,11,000/- with the property developer/Accused and was to deliver the remainder amount of Rs.30,00,000/-. The transaction ran into rough weather and was not taken to fruition. The Complainant/ Purchaser, therefore, registered the FIR claiming that he has been duped. Simultaneously, a Suit (L) No. 3844 of 2023 was filed on the original side of the Bombay High Court, praying for specific performance of contract and handing over of possession of the flat.

5. We are informed by the Complainant that he has now received the possession of the flat. The sale deed has been registered. This commercial transaction has now fructified. The revenue record has also taken the entry of such sale transaction.

6. The learned APP is justified in contending that there is a rising trend amongst litigants who give the colour of a criminal case to a civil matter, especially with regard to the commercial issues. With the aid of the FIR, the police machinery is pressed into service and because an FIR is filed, the Accused come to the negotiating table and the dispute is settled. Then they jointly approach this Court for quashing of the FIR. Such a trend needs to be curbed. The police department would be under undue stress for dealing with investigation of such civil matters only because of the colour of criminal nature having been attributed to the commercial dispute. She, therefore, prays that heavy cost may be imposed on the Complainant as well as the Petitioner.

7. The learned Advocates for the Petitioner and the Complainant submit that lesser cost be imposed.

8. In view of the above and considering the law laid down by the Hon'ble Supreme Court in *Narinder Singh & Ors. Vs. State of Punjab & Anr.*¹, this Writ Petition is allowed to the extent of the present Petitioner, Khalid Subhan Ansari, Accused No.5 in the FIR. To his extent, the FIR bearing No. 0652 of 2022, would stand quashed.

¹ (2014) 6 SCC 466

9. The Petitioner would deposit an amount of Rs. 25,000/- and the Complainant would deposit an amount of Rs. 50,000/-, with the Maharashtra Chief Minister's Relief Fund, details of which are set out herein below :

Maharashtra Chief Minister's Relief Fund
Bank Account No.10972433751
State Bank of India,
Main Branch, Fort, Mumbai
IFSC Code SBIN0000300

10. Let such amounts be directly deposited in the said account by way of donation, on or before 7th February, 2025.

11. List this disposed off Petition for recording compliance on 14th February, 2025.

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)