

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

***WRIT PETITION NO.4374 OF 2024***

1. Jewel Ashish Shah,  
Adult, Indian Inhabitant, Age 43,  
Residing at 311, Indraprastha 2-C,  
Jitendra Road, Raheja Township,  
Opp. Ashoka Hospital, Malad (East),  
Mumbai – 400 097

2. Ashish Jayantilal Shah,  
Adult, Indian Inhabitant, Age 42,  
311, Indraprastha 2-C,  
Jitendra Road, Raheja Township,  
Opp. Ashoka Hospital, Malad (East),  
Mumbai-400 097

... Petitioners

*Versus*

1. The State of Maharashtra,  
Through the Public Prosecutor

2. The Senior Inspector,  
Malad Police Station,  
Mumbai 400 064

3. Rajiv Chandrakant Jhaveri,  
Adult, Indian Inhabitant, Age 62,  
Residing at Shantisadan, 1<sup>st</sup> Floor,  
A-Block, 9-French Bridge, Gamdevi,  
Grant Road, Mumbai-400 007

... respondents

Ms. Drishti Israni for the Petitioners

Mrs. Gauri S. Rao, A.P.P for the respondent Nos.1 & 2-State

Mr. Hemang Jariwala i/b Auroma Law for the respondent No.3

PSI Mr. Rajesh Gujar from Malad Police Station, is present

**CORAM : REVATI MOHITE DERE &  
SANDESH D. PATIL, JJ.  
MONDAY, 1<sup>st</sup> DECEMBER 2025**

**ORAL JUDGMENT (Per Revati Mohite Dere, J.) :**

1            Heard learned counsel for the parties.

2            Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives service on behalf of the respondent Nos.1 and 2–State. Mr. Jariwala waives service on behalf of the respondent No.3.

3            By this petition, the petitioners seek quashing of the FIR registered vide C.R. No.467/2022 with the Malad Police Station, Mumbai, for the alleged offences punishable under

Sections 406, 420 r/w 34 of the Indian Penal Code (`IPC').  
Quashing is sought on the premise that the parties have amicably settled their dispute.

4           Perused the papers. From a perusal of the FIR registered at the behest of respondent No. 3 (original complainant), it appears that the dispute relates to a money transaction entered into between the parties, i.e. the petitioner and the respondent No. 3. It is also not in dispute that the parties are *inter-se* related.

5           According to the learned counsel for respondent No.3, respondent No. 3 has received the entire amount from the petitioners and, as such, he has no grievance against the petitioners and has no objection to the quashing of the FIR.

6           Learned counsel for respondent No. 3 has filed an affidavit of respondent No. 3 as well as an affidavit of Reshma

Jariwala, the sister of respondent No. 3. The said affidavits are at pages 33 and 36 respectively.

7           In the affidavit filed by respondent No.3, he has stated that he is the Karta of Chandrakant Jhaveri Hindu Undivided Family (HUF). He has further stated that he has received the amounts from the petitioners in the account which he holds as an HUF. He has also stated that he has no objection to the quashing of the proceedings initiated at his behest against the petitioners. The sister of respondent No.3 has also filed an affidavit stating that respondent No.3 is the Karta of Chandrakant Jhaveri Hindu Undivided Family and that the amount which is the subject matter of the FIR has been received by respondent No. 3 in the account which he holds as an HUF.

8           Respondent No. 3 is present in Court. He reiterates that he has received the amounts from the petitioners as HUF and that he has no objection to the quashing of the proceedings.

Respondent No. 3 has been identified by his counsel. He has tendered a photocopy of his PAN card duly attested by him. The same is taken on record.

9           Considering the nature of the transaction, the dispute between the parties, the affidavits of respondent No.3 and his sister, and the judgments of the Apex Court, there is no impediment in allowing the petition. Admittedly, the charge-sheet has not been filed in the said case.

10          The petition is accordingly allowed and C.R. No. 467/2022 registered with Malad Police Station for the offences punishable under Sections 406, 420 r/w 34 of the IPC, as against the petitioners, is quashed and set-aside.

11          Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

12           The petitioners, together, shall pay costs of Rs. 25,000/- and respondent No.3 shall pay costs of Rs.25,000/- to the *Mumbai Police Welfare Fund bearing Account No. 465010100008693, IFSC No. UTIB0000465*. The said amounts shall be deposited within a period of two weeks from today.

13           Lit on **22<sup>nd</sup> December 2025** for recording compliance of payment of costs.

14           All concerned to act on the authenticated copy of this judgment.

**SANDESH D. PATIL, J.**

**REVATI MOHITE DERE, J.**