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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

VASANT  
ANANDRAO  
IDHOL

CRIMINAL WRIT PETITION NO.4920 OF 2024

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by VASANT  
ANANDRAO  
IDHOL  
Date: 2025.09.25  
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1. Mr.Mahesh Bhayani,  
Aged about 73 years, Occu : Business,  
Having address at – 186/183, Chitalwala  
Building, 1<sup>st</sup> Floor, Yusuf Meher Ali Road,  
Mumbai – 400 003.
2. Mr.Bhadresh Bhayani,  
Aged about 67 years, Occu : Business,  
Having address at – 186/183, Chitalwala  
Building, 1<sup>st</sup> Floor, Yusuf Meher Ali Road,  
Mumbai – 400 003.
3. Mr.Kiran Bhayani,  
Aged about 70 years, Occu : Business,  
Having address at – 186/183, Chitalwala  
Building, 1<sup>st</sup> Floor, Yusuf Meher Ali Road,  
Mumbai – 400 003.
4. Mr.Yusuf Ibrahim Kataria,  
Aged about 68 years, Occu : Business,  
Having address at – 186/183, Chitalwala  
Building, 1<sup>st</sup> Floor, Yusuf Meher Ali Road,  
Mumbai – 400 003.
5. Mohammed Zubair Ghulam Mohammed,  
Aged about 56 years, Occu : Business,  
Having address at – 186/183, Chitalwala  
Building, 1<sup>st</sup> Floor, Yusuf Meher Ali Road,  
Mumbai – 400 003.

6. Amin Dhorajiwala,  
Aged about 59 years, Occ. : Business,  
Having address at – Shop No.78,  
Ashok Shopping Centre, L.T. Marg,  
Mumbai – 400 003.

...Petitioners

V/s.

1. The State of Maharashtra  
(Pydhonie Police Station, Mumbai  
Vide FIR No.239 of 2015.)

2. Ramesh Chawla,  
An Adult, Occupation : Business  
Having address at – Building No.B-2116,  
89/91/93 of Sheriff Devji Street,  
Mumbai – 400 003.

...Respondents

Mr.Sahim Ansari for the Petitioners.

Mr.R.M. Pethe, APP for Respondent No.1 – State.

Mr.Sachidanand Singh for Respondent No.2.

Mr.N.T. More, PSI, Pydhonie Police Station, Mumbai present.

**CORAM : REVATI MOHITE DERE &**  
**SANDESH D. PATIL, JJ.**  
**DATE : 19TH SEPTEMBER, 2025.**

**ORDER (Per Sandesh D.Patil, J.) :-**

1. By the present Petition, the Petitioners seek quashing of  
the FIR registered vide CR No.239/2015 with the Pydhonie

Police Station, Mumbai for the alleged offences punishable under Sections 420, 465, 468, 471 r/w 34 of the Indian Penal Code, 1860. The Petitioners contend that the Petitioners and the Respondent No.2 have amicably settled their dispute.

2. The Petitioners state that there was a suit bearing Suit No.532 of 2015 which was filed between the parties in this Court. The Petitioners state that the said suit is settled between the Petitioners and the Respondent No.2 and that the parties have filed consent terms in the said Civil Suit, in this Court. One of the condition of settlement (Clause No.11) was that the parties will cooperate in quashing the FIR No.239/2015 under Sections 420, 465, 468, 471 r/w 34 of the Indian Penal Code. The advocate for the Respondent No.2 does not dispute the settlement.

3. The advocate for the Respondent No.2 has filed an affidavit in support of the Petition. Learned advocate for Respondent No.2 does not dispute the contentions raised by the Petitioner in the present Writ Petition. The Respondent No.2 is present through V.C. Learned advocate for the Respondent No.2

identifies the Respondent No.2.

4. Hon'ble Apex Court in *Gian Singh vs. State of Punjab, (2012) 10 SCC 303*, has held that the power of the High Court is of wide plenitude that has no statutory limitation, however the power has to be exercised in limitation. It has to be exercised in order to secure ends of justice or to prevent the abuse of process in Court. It is further observed that the High Court can quash the proceedings if it comes to the conclusion that because of the compromise between the offender and the victim, the possibility of the conviction becomes remote and bleak.

5. Since the parties have amicably settled their matter and have filed consent terms in the civil dispute in this Court, we feel that continuing the criminal case would be unfair and contrary to the interest of justice and would tantamount to abuse of the process of law. Even otherwise, a perusal of the FIR would reveal that the dispute is of a civil nature and it is doubtful if the offences as alleged are even made out. Accordingly, we allow the

present Writ Petition and quash and set aside the FIR registered vide C.R. No.239/2015 with the Pydhonie Police Station, Mumbai, for the offences punishable under Sections 420, 465, 468, 471 r/w 34 of the Indian Penal Code.

6. All the parties to pay costs of Rs.20,000/- each to the Mumbai Police Welfare Fund, bearing Account No. 465010100008693, IFSC No. UTIB0000465 within a period of two weeks from today.

7. The Writ Petition is disposed of accordingly.

8. List the Petition on **16<sup>th</sup> October, 2025** under the caption “for compliance of payment of cost”.

*(SANDESH D. PATIL, J.)*

*(REVATI MOHITE DERE, J.)*