

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

CRIMINAL WRIT PETITION NO.6667 OF 2024

1. Abhijit Subash Gaikwad	]	
2. Ajit Subash Gaikwad	]	
3. Vijay Dagdu Tupe	]	
4. Vishal Vijay Tupe	]	.. Petitioners

Versus

1. State of Maharashtra,	]	
Through Chandannagar Police Station, Pune	]	
2. Asish Binod Barman	]	.. Respondents

Mr. Niranjan Mundargi with Mr. Siddharth R. Karpe and Ms. Keral Mehta, Advocates for the Petitioners.

Mrs. G.P. Mulekar, Additional Public Prosecutor for Respondent No.1.

Mr. Rishikesh Chindarkar, Advocate, i/by Asahi Legal, for Respondent No.2.

Mr. Asish Binod Barman, the Respondent No.2, is present in Court.

**CORAM : SHREE CHANDRASHEKHAR, CJ. &
GAUTAM A. ANKHAD, J.**

DATE : 7TH OCTOBER 2025.

Per Gautam A. Ankhad, J.

The present Writ Petition is a part of a batch of ten writ petitions, where the petitioners are the developers of a real estate project called 'Gracia'.

2. The FIR was registered by the respondent no.2 (the original complainant) against several persons. Out of them, the petitioners herein have settled their differences with the respondent no.2. Thus, the petitioners have filed this petition under Article 226 of the Constitution of India read with section 482 of the Code of Criminal Procedure, 1973 seeking quashing, by consent, of the FIR bearing C.R. No.92 of 2016 dated 19th May 2016 registered with the

Chandannagar Police Station, Pune and the consequential proceedings arising therefrom.

3. The respondent no.2 is present in the Court and identified by his Advocate, Mr. Rishikesh Chindarkar. Though there is no affidavit filed giving consent to the quashing of FIR, the respondent no.2 communicates his willingness and no objection for quashing of the FIR and subsequent proceedings to this Court in that regard. Mr. Chindarkar reiterates his client's no objection to the quashing of the FIR and any proceedings arising therefrom.

4. In view of the judgment of the Hon'ble Supreme Court in "*Nikhil Merchant v. C.B.I.*", (2008) 9 SCC 677 and as the petitioners do not have any further claim against the respondent no.2, continuation of these proceedings would be a futile exercise. Hence, Writ Petition No.6667 of 2024 is allowed in terms of prayer clause (b), which reads as under:-

"(b) That this Hon'ble Court may kindly be pleased to quash and set aside F.I.R. bearing C.R. No. 92/2016, dated 19-05-2016 registered with the Respondent No.1 Police Station for the offences punishable under Sections 405, 406, 416, 418, 420, 465, 467, 468, 469, 470, 472, 473, 474, 475, 476, 120-B r/w 34 of the Indian Penal Code and all other consequential criminal proceedings arising therefrom being the charge-sheet bearing number 73/2018 dated 22/6/2018 and the RCC case number 3158/2018 pending before the learned 5th Judicial Magistrate First Class, Pune, in the interest of justice."

5. It is clarified that the FIR bearing CR No.92 of 2016 and proceedings arising therefrom are quashed only *qua* the petitioners in the present Writ Petition. The proceedings as against the other accused will proceed and shall be adjudicated in accordance with law.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]