

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2665 OF 2025

Arnab Banerjee & Ors.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Burzin Somandy a/w Adv. Yukti Mittal and Ms. Rina Ram i/by Adv. Tejaswita Nalawade (Somandy) for Petitioners.

Mr. Rhishikesh M. Pethe, A.P.P. for Respondent No.1-State.

Mr. Priyank Daga for Respondent No.2.

Mr. Suresh Desavale, P.S.I., Bandra Police Station, Mumbai.

CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.

DATE : 4th SEPTEMBER 2025

PC.:-

1) By this Petition under Article 226 of Constitution of India, the Petitioners, accused in F.I.R. No. 1758 of 2024 dated 29th November 2024, registered with Bandra Police Station, Mumbai, under Sections 471, 468, 467, 465, 420 and 409 read with 34 of the Indian Penal Code, are seeking quashing of the said crime with the consent of Respondent No.2, the informant.

2) Learned counsel appearing for Petitioners, on instructions submitted that, till date the investigation of the present crime is not completed and Police have not filed charge-sheet. The said statement is accepted.

3) Learned counsel appearing for Petitioners submitted that, during the pendency of investigation of the present crime, Petitioners and

Respondent No.2 have settled their disputes and differences amicably.

3.1) That, Consent Terms dated 28th February 2025 have been entered into and filed in the Arbitration proceedings before the learned Sole Arbitrator. That, the Petitioners herein have decided to pay a total amount of Rs.90,00,000/- to the Respondent No.2. That, in view of paragraph No.5(B)(iii)(b) of the said Consent Terms, after quashing of the present crime, the balance amount of Rs.15,00,000/- would be paid to Respondent No.2, by the Petitioners.

3.2) Learned counsel submitted that, as the parties herein have now settled their disputes amicably, the said crime may be quashed with the consent of Respondent No.2.

4) Advocate Mr. Daga submitted that, he has instructions to appear on behalf of Respondent No.2 and will file his *vakalatnama* during the course of the day. The said statement is accepted as an undertaking given to this Court.

5) Advocate Mr. Daga tendered across the Bar Affidavit of Respondent No.2, dated 4th September 2025, duly affirmed before a Notary Public. In the said Affidavit, Respondent No.2 has admitted the fact of execution of Consent Terms before the learned Sole Arbitrator and receipt of payment of Rs.75,00,000/- till date. In paragraph No. 4 thereof, Respondent No.2 has given his no objection for quashing of the crime in question.

5.1) Respondent No.2 is personally present in Court and through his

Advocate, reiterates the contents of his Affidavit dated 4th September 2025 and his 'no objection' for quashing of the crime in question.

6) In view of the above, we are inclined to quash F.I.R. No. 1758 of 2024 dated 29th November 2024, registered with Bandra Police Station, Mumbai, under Sections 471, 468, 467, 465, 420 and 409 read with 34 of the Indian Penal Code.

7) As we expressed our opinion for quashing of said F.I.R. No. 1758 of 2024 dated 29th November 2024, registered with Bandra Police Station, Mumbai, learned Advocate for Petitioners, on instructions submitted that, for quashing of the said crime, the Petitioners will voluntarily pay a cost of Rs.1,00,000/- each, totaling to Rs.3,00,000/-, jointly or severally, to the 'Armed Forces Battle Casualties Welfare Fund' (AFBCWF) within a period of two weeks from the date of uploading of present Order on the official website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

8) As the Respondent No.2 is successful in settling the disputes with the Petitioners and has received the aforementioned amount due to lodgment of present crime, Advocate Mr. Daga, on instructions submitted that, the Respondent No.2 will also voluntarily pay a cost of Rs.1,00,000/- to the 'Armed Forces Battle Casualties Welfare Fund' (AFBCWF) within a period of two weeks from the date of uploading of present Order on the official website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

9) We therefore direct the Petitioners to pay a cost of

Rs.1,00,000/- each, totaling to Rs.3,00,000/-, jointly or severally and the Respondent No.2 to pay a cost of Rs.1,00,000/-, to the 'Armed Forces Battle Casualties Welfare Fund' (AFBCWF) within a period of two weeks from the date of uploading of present Order on the official website of High Court of Bombay, Mumbai.

9.1) Details of the bank account for payment of cost are as under :-

Account Name	:-	Armed Forces Battle Casualties Welfare Fund.
Account Number	:-	90552010165915.
Bank Name	:-	Canara Bank.
Branch	:-	South Block, Defence Headquarters, New Delhi – 110 011.
IFSC Code	:-	CNRB0019055.

10) Petitioners and Respondent No.2 to deposit the said cost within stipulated period as noted above and submit receipt(s) of the same in the Registry of this Court.

11) In view of the above and subject to payment of cost by Petitioners, so also by Respondent No.2, within stipulated period as noted above, Petition is allowed in terms of prayer clause (b).

12) It is made clear that, if the said cost is not paid within stipulated period as mentioned above, the Petition shall stand revived automatically and in that event, the investigation of the present crime will be completed expeditiously.

13) List the Petition on 3rd October 2025, under the caption 'for reporting compliance'.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)