

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

CRIMINAL WRIT PETITION NO.3232 OF 2025

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|---|---|----------------|
| 1. Vinod Madanlal Talwar |] | |
| 2. Chandra Vinod Talwar |] | |
| Partners of Karma Realty, |] | |
| Having office at Oshiwara, Mumbai |] | .. Petitioners |
| Versus | | |
| 1. State of Maharashtra, |] | |
| Through Bhadrakali Police Station, Nashik |] | |
| 2. Abhijeet Dhananjay Wankhede, |] | |
| R/o. Dwarka, Bhadrakali, Nashik |] | .. Respondents |

Mr. Mohammed Zain Khan, Advocate for the Petitioners.
Mr. K.V. Saste, Additional Public Prosecutor for Respondent No.1.
Mr. Danisk Ansari, i/by Mr. Akshay Deshmukh, Advocates for Respondent No.2.

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

DATE : 25TH NOVEMBER 2025.

PER, GAUTAM A. ANKHAD, J. :

The present petition is filed seeking quashing of the FIR bearing C.R. No.163 of 2025 dated 3rd May 2025 registered with Bhadrakali police station for offences punishable under sections 406, 409, 420 read with 34 of the Indian Penal Code, 1860.

2. The FIR alleges that the petitioners who are partners in a firm carrying on the business of real estate have misappropriated funds that they had received from the respondent no.2. The parties have now amicably settled the dispute between them. The settlement between the parties is recorded in the Memorandum of Understanding dated 24th July 2025.

3. Mr. Ansari, the learned counsel for the respondent no.2 has

tendered an affidavit dated 4th November 2025 across the bar which records that the respondent no.2 has settled his differences with the petitioners and has no objection to quashing of the said FIR. It is recorded in the affidavit that the petitioners have deposited an amount of Rs.1,75,00,000/- in the bank account of the housing society as per the terms of the Memorandum of Understanding dated 24th July 2025. The affidavit is taken on record and attached at appropriate place. The parties are present in the Court and identified by their respective counsel. The parties have affixed their signatures and recorded their appearance in their own handwriting. The appearance of the parties and copies of their Aadhaar cards are taken on record.

4. Since the disputes between the petitioners and the respondent no.2 have now been amicably resolved, as per the law laid down by the Hon'ble Supreme Court in the case of *Gold Quest International (P) Ltd. v. State of Tamil Nadu* (2014) 15 SCC 235, the Court is well empowered to quash and set aside criminal proceedings to prevent miscarriage of justice, particularly in light of civil disputes that are disguised as criminal proceedings. In view of the above, **Writ Petition No.3232 of 2025 is allowed** in terms of prayer clause (a) which reads as:

“(a) This Hon’ble Court be pleased to quash the FIR bearing C.R. No.0163 of 2025 dated 3rd May 2025 registered u/s. 406, 409, 420 r/w. 34 with Bhadrakali Police Station on such suitable terms and conditions as this Hon’ble Court may deem fit in the facts and circumstances of the present case.”

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]