

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

CRIMINAL WRIT PETITION NO.3707 OF 2025

1. Satish Baburao Patil	]	
2. Umed Amirali Dodhia	]	
3. Rohit Gul Vatiyani	]	.. Petitioners

Versus

1. The Senior Inspector of Police,	]	
Navghar Police Station, Mumbai	]	
2. Gourav Suryakant Bhosale	]	
3. Ramakant Parashuram Sawant	]	
4. Jyoti Eknath Damre	]	
5. The State of Maharashtra	]	.. Respondents

Mr. Swapnil Wagh with Mr. Prathmesh Bhosle and Ms. Mamta Tiwari, Advocates for the Petitioners.

Mrs. M.M. Deshmukh, In-Charge Public Prosecutor for Respondent Nos.1 and 5.

Ms. Gayatri Gokhale, Advocate for Respondent Nos.2 to 4.

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

DATE : 2ND DECEMBER 2025.

P.C.:

The present writ petition, filed under Article 226 of the Constitution of India and section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023, seeks quashing of FIR No.240 of 2024 registered with Navghar Police Station and consequent proceedings arising therefrom. The FIR was registered for the offences punishable under sections 420 read with section 34 of the Indian Penal Code, 1860. The petitioners are the accused persons in the said FIR. The respondent no.2 is the original complainant and the respondent nos.3 and 4 are victims.

2. The gist of the complaint is that the petitioners through the firm Aditya Builders have taken booking amounts from the

respondent nos.2 to 4. However, the flats have not been provided to them in return of these amounts. The petitioners have failed to refund back the money to the respondent nos.2 to 4 despite multiple assurances. Consequently, proceedings were initiated before the Real Estate Regulatory Authority, which is still pending. Meanwhile, the said FIR also came to be lodged on 1st November 2024.

3. The parties have now amicably settled their dispute. A Settlement Agreement dated 24th December 2024 is executed between the petitioners, Aditya Enterprises and the respondent nos.2 to 4 to the effect, which is annexed at page 26 of the paper-book as Annexure-B. The agreement records that the firm Aditya Builders will refund the settlement amount to the respondent nos.2 to 4. The copies of Demand Drafts effecting the said payments are also annexed herewith. The petitioner no.1 has applied for Anticipatory Bail before this Court. By an order dated 6th December 2025, the petitioner no.1 has deposited Rs.25,00,000/- (Rupees Twenty Five Lakhs only) with the Registrar (Judicial-I) to demonstrate the *bona fides*. It is agreed under the Settlement Agreement that the said amount can be withdrawn by the respondent no.3.

4. The individual affidavits filed by the respondent nos.2 to 4 reiterate that the parties have worked out the settlement and record that they have no objection to quashing of the FIR. The parties are present in the Court and identified by their respective counsel. The respondent nos.2 to 4 have tendered copies of their Aadhaar Cards, which are taken on record.

5. Ms. Gayatri Gokhale, the learned counsel for the respondent no.2 who appears through virtual mode states that the respondent no.3 should be permitted to withdraw the amount deposited in the

Court concerned pursuant to the order passed in Anticipatory Bail Application No.3193 of 2023. Mr. Swapnil Wagh, the learned counsel for the petitioners states that the petitioners have no objection to any application moved by the respondent no.3 seeking withdrawal of the amount deposited by them in the Court concerned.

6. It is well settled principle of law, as reiterated by the Hon'ble Supreme Court in "*Suresh C. Singal v. State of Gujarat*" 2025 SCC OnLine SC 788, that certain offences which overwhelmingly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions, where the parties have settled all disputes between them amicably, the High Court would be justified in quashing the criminal proceedings. The parties have received the settlement amount. In these circumstances, the continuance of the criminal proceedings would be an abuse of process of law. **Writ Petition No.3707 of 2025 is allowed** in terms of prayer clause (A).

"(A) This Hon'ble Court be pleased to quash and set aside the FIR No.240 of 2024 and consequent proceedings arising out of the said FIR initiated on the complaint of the complainant/respondent no.2 registered by the officers of Navghar Police Station."

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]