

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

CRIMINAL WRIT PETITION NO.4038 OF 2025

1. Mohd. Shamim Khan	]
2. Avesh Ismail Kayser	]
3. Vijay Narsimha Tilak	]
4. Ashwin Madan Mohan Duggal	]
5. Mohit Manmohan Lalvani	]
6. Murtuza Nazmuddin Barwaniwala	]
7. Ali Asgar Jafar Rangwala	]
8. Ameet Ashwin Panchal	]
9. Amey Naik	]
10. Firoze B. Crawford	]
11. Tanay Yogesh Gupta	]
12. Dhananjaya Nagdhavane	]
13. Nafisa Khambata	]
14. Fatemah Hamdani	]
All are Managing Committee Members	]
of Piramal Aranya Aryan CHS Ltd.,	]
Byculla, Mumbai.	] .. Petitioners

Versus

1. The State of Maharashtra,	]
Through Byculla Police Station, Mumbai	]
2. Fehmida Rizwan Ahmed Khan,	]
Owner of Flat No.1201, Piramal Aranya	]
Aryan CHS Ltd., Byculla, Mumbai.	] .. Respondents

Mr. Vishwanath Patil a/w Mr. Sandeep Bane, Mr. Shumbham Bane. Mr. Atharva Bane, Ms. Shefali Jadhav & Mr. Devesh Naik i/b Mr. Sandeep Bane for the petitioner.

Mrs. G.P. Mulekar, APP for the respondent no.1.

Mr. Pratap Nimbalkar for respondent no.2.

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

DATE : 17TH SEPTEMBER 2025.

Per, Gautam A. Ankhad, J.

This writ petition is filed under Article 226 of the Constitution of India read with section 528 of the Bharatiya Nyaya Sanhita, 2023 seeking quashing, by consent, of the FIR no.500 of 2025 registered

with the Byculla Police Station under sections 126(2),3(5), 329(1), 329(4), 352 along with section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The FIR was registered at the instance of the respondent no.2 (the original complainant) against the petitioners. Subsequently, the differences and misunderstanding between the petitioners and the respondent no.2 has been amicably settled. Mr. Pratap Nimbalkar, the learned advocate for the respondent no.2 has tendered an affidavit dated 15th September 2025 across the Bar recording his no objection to the quashing of the FIR and any proceedings arising therefrom. The same is taken on record and marked "X" for identification.

3. The law is well settled, as held by the Hon'ble Supreme Court in **"B.S. Joshi & Ors. v. State of Haryana & Anr. (2003) 4 SCC 675"**, that the Court is empowered to quash criminal proceedings to prevent abuse of process of law, particularly when the complainant no longer supports the complaint. In the present case, the disputes have been amicably resolved. In these circumstances, continuation of the criminal proceedings would serve no fruitful purpose. In view of the above, Writ Petition No.4038 of 2025 is allowed in terms of prayer clause (a) which reads as under:-

"a. that this Hon'ble Court be pleased to issue writ of mandamus or any other writ/order and/or direction calling for the records and proceeding in respect of FIR bearing NO. 0500 of 2025 registered at Byculla Police Station, Mumbai for the alleged offences punishable under Section 126(2), 329(2), 329(4), 352, a/w 3(5) of BNS and after perusing the FIR this Hon'ble Court be pleased to quash and set aside the same;"

4. Pending application, if any, stands disposed of.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]