

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

WRIT PETITION NO.4560 OF 2025

Errol James Desouza and others Petitioners
V/s
The State of Maharashtra and another Respondents

Aabad Ponda, Senior Advocate a/w Dr. Sujay Kantawala a/w Adv.
Subhash Jadhav a/w Sanskriti Harode i/b Parinam Law
Associates for the petitioners.

Mr. J.P. Yagnik, APP for the respondent no.1.

Adv. Niranjan Mundargi i/b Adv. Karan Jain for the respondent
no.2.

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

DATE : 23RD SEPTEMBER 2025.

Per, Gautam A. Ankhad, J.

The present Writ Petition is filed under Article 226 of the Constitution of India read with section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing, by consent, of the FIR No. 241 of 2025 registered with the Agripada Police Station under sections 189(1), 189(2), 189, 189(4), 109, 126(2), 118(1), 191(2), 191(3) and 61(2) of the Bhartiya Nyaya Sanhita, 2023 and sections 25, 27 and 30 of the Arms Act, 1959 and the subsequent charge-sheet dated 14th July 2025 before the learned 46th Judicial Magistrate, First Class Court at Mazgaon, Mumbai.

2. The FIR was registered at the instance of the respondent no.2 (the original complainant) against the petitioners. The FIR pertained to certain misunderstandings between the petitioners and the respondent no.2. Subsequently, the differences and misunderstanding between the petitioners and the respondent no.2 has been amicably resolved.

3. The respondent no.2 has filed an affidavit dated 18th August 2025 recording his no objection to the quashing of the FIR and any proceedings arising therefrom.

4. It is settled law that the Court is empowered to quash the criminal proceedings to prevent the abuse of process of law, particularly, when the complainant no longer supports the complaint. Therefore, continuation of the criminal proceedings would serve no fruitful purpose. In view of the above, Writ Petition No.4560 of 2025 is allowed in terms of prayer clause (a), which reads as under:-

“(a) This Hon'ble Court be pleased to quash and set aside the F.I.R No. 241 of 2025 dated 18.05.2025 registered with Respondent No. 1 under Sections 189(1), 189(2), 189, 189(4), 109, 126(2), 118(1), 191(2), 191(3) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25, 27 and 30 of the Arms Act, 1959, and the subsequent charge sheet dated 14.07.2025 filed in C.C. No. 948 of 2025 before the Hon'ble Court of Judicial Magistrate First Class 46th Court, Mazgaon”

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]