

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

CRIMINAL WRIT PETITION NO.4590 OF 2025

- | | | |
|---|---|----------------|
| 1. Ajay Yogendrakumar Kulshreshtha, |] | |
| Aged about 62 years, Occupation : Business, |] | |
| (at present in judicial custody and lodged at |] | |
| Arthur Central Prison, Mumbai) |] | |
| 2. Siddhant Ajay Kulshreshtha, |] | |
| Age : 34 years, Occupation : Business, |] | |
| R/at H/601, 6 th Floor, Regal Height CHSL, |] | |
| Vasantnagari Circle, Vasai (East), Palghar |] | .. Petitioners |
| Versus | | |
| 1. State of Maharashtra, |] | |
| Through N.M. Joshi Marg Police Station, Mumbai |] | |
| 2. Dharmesh Mahendra Mehta, |] | |
| Age about 45 years, Occupation : Service, |] | |
| R/at Room No.201, H-Wing, Old Ashok Nagar |] | |
| CHSL, Vazira Naka, Borivali (W), Mumbai-91 |] | .. Respondents |

Mr. Anchal S. Singh, Advocate for the Petitioners.

Mr. K.V. Saste, Additional Public Prosecutor for Respondent No.1-
State of Maharashtra.

Mr. Pratik Gupta, Advocate for Respondent No.2.

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

DATE : 17TH DECEMBER 2025.

PER, GAUTAM A. ANKHAD, J.

The present Writ Petition is filed under Article 226 of the Constitution of India and section 528 of the Bhartiya Nyaya Suraksha Sanhita, 2023 seeking the following reliefs:-

“(a) That the Hon’ble Court be pleased to quash and set aside the FIR No.292 of 2025 dated 26th May 2025 registered by the respondent no.1, N.M. Joshi Marg Police Station, Mumbai under sections 316(5), 318(4), 336(2), 336(3), 340(2), 3(5) of BNS, 2023.

(b) This Hon’ble Court may be pleased to direct the Superintendent of Jail of Arthur Road Prison, Mumbai to

release the petitioner no.1 who is in jail in the present case on the terms and conditions as this Hon'ble Court may deem fit and proper.”

2. The petitioner no.1 is the proprietor of the firm named Innovative Tree Solutions and father of the petitioner no.2. The respondent no.2 is working as an accountant at the firm named ABCOM Private Limited and is the original complainant in the First Information Report bearing C.R. No.292 of 2025 dated 26th May 2025 registered with N.M. Joshi Marg Police Station, Mumbai. By an Authority Letter dated 25th August 2025, the respondent no.2 is authorised to represent ABCOM Private Limited in the present proceedings.

3. The petitioner no.1's firm and the respondent no.2's firm entered into a rental IT Certificate Agreement for laptops and mobile phones. It is alleged in the FIR that the petitioner no.1's firm violated the conditions of the said Agreement and sold the devices to third parties. The Anticipatory Bail application filed by the petitioner no.1 was rejected by the learned Sessions Court, Mumbai and the petitioner no.1 was arrested. At present, the petitioner no.1 is in judicial custody and lodged at Arthur Road Central Prison, Mumbai. The petitioner no.2 is currently under interim protection by an order dated 1st August 2025 of this Court passed in Anticipatory Bail Application No.1761 of 2025.

4. The parties have now amicably resolved their disputes. The settlement is recorded in terms of a Memorandum of Understanding (“MoU”) dated 26th August 2025. The MoU records that the respondent no.2's firm has agreed to accept a sum of Rs.32,00,000/- (Rs. Thirty Two Lakhs only) towards full and final settlement of all disputes, claims, and demands arising out of or in connection with the aforesaid FIR. The Consent Terms dated

29th September 2025 entered into by the parties record that the petitioners have duly transferred the said settlement amount by RTGS/NEFT to the bank account of the respondent no.2's company. An affidavit dated 29th September 2025 of the respondent no.2 is tendered across the Bar which reiterates the settlement arrived at by the parties and the no objection to quashing of the said FIR. The Consent Terms dated 29th September 2025 where the copy of MoU has been annexed and the affidavit dated 29th September 2025 are taken on record and attached at appropriate place. The petitioner no.2 and the respondent no.2 are present in the Court and identified by their respective counsel. The parties have affixed their signatures on blank piece of paper to record their appearance. The copies of the petitioner no.2's Aadhaar Card, the respondent no.2's driver license are tendered and the same shall form part of the records.

5. It is settled principle of law, as reiterated by the Hon'ble Supreme Court in "*K. Bharti Devi v. State of Telangana*" (2024) 10 SCC 384, that certain offences bearing civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions, and the parties have settled all disputes between them amicably, the High Court would be justified in quashing the criminal proceedings. The respondent no.2's firm has received the settlement amount and continuing the criminal proceedings would not serve any purpose. In light of the same, **Criminal Writ Petition No.4590 of 2025 is allowed** in terms of prayer clauses (a) and (b).

6. On Production of a copy of this order, the petitioner no.1, Ajay Yogendrakumar Kulshreshtha, residing at H/601, 6th Floor, Regal Height Co-op. Housing Society Ltd., Vasantnagari Circle, Vasai (East), Palghar 401 208 and presently lodged at Arthur Road

Central Prison Mumbai, shall be released forthwith if not wanted in connection to any other criminal case.

7. The Registry is directed to transmit a communication of this order to the respondent no.1 and the Jail Superintendent of the Arthur Road Central Prison, Mumbai through all permissible modes, including Fax.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]