

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

CRIMINAL WRIT PETITION NO.4864 OF 2025

Chander Prakash Goel,	]	
R/o. House No.80, Section 18/A,	]	
Faridabad – 121 002	]	..Petitioner

Versus

1. State of Maharashtra,	]	
Through Office of Public Prosecutor	]	
2. Mahesh Kishen Thakur,	]	
R/o. 1305/06, Magnum Tower,	]	
Lokhandwala Complex, Andheri, Mumbai	]	..Respondents

Mr. Siddhesh Bhole with Mr. Yakshay Chheda and Mr. Kartik Pillay, Advocates for the Petitioner.

Mr. S.V. Gavand, Additional Public Prosecutor for Respondent No.1.

Ms. Zehra Charania with Mr. Ayaz Khan and Ms. Mallika Sharma, Advocates for Respondent No.2.

Mr. Mahesh Thakur, Respondent no. 2, is present in Court.

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

DATE : 25TH SEPTEMBER 2025.

Per, Gautam A. Ankhad, J.

The present criminal 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, FIR No.1365 of 2022 registered with Oshiwara Police Station dated 20th September 2022 under sections 406 and 420 of Indian Penal Code,

1860 along with Chargesheet dated 24th July, 2025 and registered in PW/2529/2025 before the J.M.F.C Railway Mobile Court, Andheri, Mumbai.

2. Respondent no.2 claims that he was duped by the petitioner's son in a property transaction involving an amount of ₹5,43,00,000/- (Rupees Five Crore Forty-Three Lakhs Only), and further contends that the petitioner was a beneficiary of certain sums received from his son. On this basis, the respondent no.2 lodged FIR No.1365 of 2022 dated 20th September 2022 at Oshiwara Police Station, Mumbai, under Sections 406 read with 420 of the Indian Penal Code, 1860, which led to multiple proceedings between the parties. Subsequently, the disputes and misunderstandings between the petitioner, petitioner's son and the respondent no.2 have been amicably resolved.

3. Ms. Zehra Charania, the learned advocate for respondent no.2 confirms the settlement and has tendered an affidavit dated 25th September 2025 across the bar recording no objection to the quashing of the FIR and any proceedings arising therefrom. The same has been taken on record and marked as 'X' for identification. The learned advocate further reiterates her client's no objection, who is present in Court, to the quashing of FIR and charge-sheet.

4. In "*Nikhil Merchant v. Central Bureau of Investigation*", (2008) 9 SCC 677, the Hon'ble Supreme Court has held that the Court is empowered to quash the criminal proceedings to prevent the abuse of process of law particularly with regard to civil disputes with criminal facets. In view of the above, the Criminal Application No.4864 of 2025 is allowed in terms of prayer clause (a) and clause (b), which reads as under:-

- “a. That this Hon’ble Court be pleased to issue appropriate writ, order or direction calling for records and proceedings in C.R. No.1365 of 2022 and after satisfying itself about illegality and impropriety in filing and registration of the Impugned FIR dated 20th September 2022 registered at Oshiwara Police Station, Mumbai be pleased to quash and set aside the Impugned FIR qua Chander Parkash Goel;*
- b. That this Hon’ble Court be pleased to issue appropriate writ, order or direction calling for records and proceedings in Police Case PW No.2529 of 2025 before the Hon’ble Andheri Judicial Magistrate (First Class), Mumbai, Maharashtra by Oshiwara Police Station u/s 406, 420 r/w 34 of the IPC pursuant to Chargesheet dated 24 July 2025 and after satisfying itself about illegality and impropriety be pleased to quash and set aside the Police Case PW No.2529 of 2025 and Chargesheet, qua Mr. Chander Parkash Goel.”*

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]