

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

CRIMINAL WRIT PETITION NO.4925 OF 2025

Krish Sameer Vora,]
R/o. Room No.18, 3rd Floor,]
Balrajeshwar Apartment,]
Near Balrajeshwar Mandir,]
Mulund (West), Mumbai – 400 080] .. Petitioner

Versus

1. State of Maharashtra,]
Through Economic Offences Wing,]
Unit-6, Mumbai]
2. Vinay Dinananth Tiwari,]
R/at 514 Haji Bapu Road, 5th Floor,]
Raviraj Bhavan, Malad (East), Mumbai-400097] .. Respondents

Mr. Sudeep Pasbola, Senior Advocate, with Mr. Ashish Vernekar,
Advocate for the Petitioner.

Mr. S.V. Gavand, Additional Public Prosecutor for Respondent
No.1-State of Maharashtra.

Mr. Niranjan Mundargi with Ms. Keral Mehta, Adv. Chandansingh,
Adv. Shekhawat, Ms. Sanskruti Harode, Advocates, i/by Parinam
Law Associates for Respondent No.2.

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

DATE : 16TH DECEMBER 2025.

PER, GAUTAM A. ANKHAD, J.

The present matter was heard on 28th November 2025 where the respondent no.2 had tendered a consent affidavit dated 25th November 2025. We noticed errors in the said affidavit and hence the matter is listed today. A copy of Consent Terms dated 1st September 2025 executed on 16th September 2025 along with a fresh Affidavit of Consent of respondent no.2 dated 15th December 2025 is now tendered by the learned advocates in Court and the same are taken on record.

2. The present writ petition is filed under Article 226 of the Constitution of India and section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of the First Information Report No.246 of 2025 with the Worli Police Station and thereafter transferred to the Economic Offences Wing, Unit-6, Mumbai filed under sections 3(5), 61(2), 316 (5) and 318 (4) of the Bhartiya Nyaya Sanhita, 2023. The petitioner seeks the following reliefs:

- “(a) This Hon’ble Court after perusing the records and proceedings be pleased to quash and set aside the FIR No.246 of 2025 registered with Worli Police Station and later on transferred to EOW and renumbered as FIR No.65 of 2025 of Economic Offences Wing for offences u/s. 316(5), 318(4), 61(2) r/w. 3(5) of the Bharatiya Nyaya Sanhita, 2023 and all further proceedings in connection with FIR No.246 of 2025 registered with Worli Police Station and later on transferred to EOW and renumbered as FIR No.65 of 2025 of Economic Offences Wing filed with the respondent no.1 qua the present petitioners;*
- (b) That pending the hearing and final disposal of this petition, all further proceedings in connection with FIR No.246 of 2025 registered with Worli Police Station and later on transferred to EOW and renumbered as FIR No.65 of 2025 of Economic Offences Wing for offences u/s. 316(5), 318(4), 61(2) r/w. 3(5) of the Bharatiya Nyaya Sanhita, 2023 registered at the instance of respondent-police station be stayed qua the present petitioner;*
- (c) That pending the hearing and final disposal of the petition, direct the respondent no.1 to not file charge-sheet qua the present petitioner in FIR No.246 of 2025 of the Economic Offences Wing dated 24th June 2025 for the offences u/s. 316(5), 318(4), 61(2) r/w. 3(5) of the Bharatiya Nyaya Sanhita, 2023;*
- (d) That pending the hearing and final disposal of present petition, the respondent no.2 may be directed to de-freeze the D-mat and bank accounts of the petitioner (D-MAT A/c. No.1207440000106153 and Axis Bank A/c. No.0968, LBS Marg, Mulund, Mumbai);*
- (e) Interim and ad-interim reliefs in terms of prayer clauses (b), (c) and (d) above be granted.”*

3. It is the case of the respondent no.2 that the petitioner along with the other co-accused have defrauded the respondent no.2 and his company for an amount of Rs.25,60,00,000/- under the pretext of a share purchase agreement. The dispute pertains to the transfer of shares between the parties. The parties have now resolved their

disputes and the respondent no.2 no longer wants to take criminal action against the petitioner.

4. Mr. Mundargi, the learned counsel for the respondent no.2 submits that his client has no objection to the quashing of the FIR and all related proceedings. Respondent no.2 has filed an affidavit of consent dated 15th December, 2025 documenting the settlement for defreezing the shares held in several demat accounts. This will enable the petitioner to liquidate the shares and pay Rs. 27,16,66,000/- to the respondent no.2.

5. The law as laid down in "*K. Bharthi Devi v. State of Telangana*" (2024) 10 SCC 384 reiterates that the Court is empowered to quash the criminal proceedings to meet the ends of justice, especially in light of civil disputes wherein the complainant no longer wishes to proceed with prosecution. The consent terms recorded that time is of the essence and failure to make repayment shall render the entire settlement *void ab initio*. It is made clear that in the event any failure on the part of the petitioner to discharge his obligations under the consent terms is reported, the respondent no.2 shall be at liberty to file an application for recall of this order. It is also made clear that in the event the application for recall of this order is allowed, criminal prosecution against the petitioner shall commence at once. The petitioner shall also be held liable for committing contempt of Court in a proceeding instituted against them under the Contempt of Courts Act, 1971. There shall also be a liberty to the respondent no.2 to take out any further proceeding against the petitioner as permissible in law. Hence, Prayer (a) of the **Writ Petition No.4925 of 2025 is allowed and disposed off** as per the above terms.

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[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]