

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

CRIMINAL WRIT PETITION NO.4927 OF 2025

Manish Premji Soni,]
R/o. Near Croma, B/403, Padmavati CHS,]
Dumping Road, Mulund (W), Mumbai] .. Petitioner

Versus

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

Mr. Sudeep Pasbola, Senior Advocate, with Mr. Fauzan Shaikh,
Advocate for the Petitioner.

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

Mr. Niranjana Mundargi with Ms. Keral Mehta, Adv. Chandan
Singh, 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 we noticed that the affidavit of consent of the respondent no.2 is not part of the record and hence the matter is listed today. A copy of the Consent Terms dated 1st September 2025 executed on 16th September 2025 along with a fresh affidavit of consent of the 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 F.I.R. No.246 of 2025 registered 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 Nyay Sanhita, 2023;*
- (b) That pending the hearing and final disposal of this petition, direct that no charge-sheet be filed in FIR No.246 of 2025 of Worli Police Station and its consequent FIR No.65 of 2025 of the Economic Offences Wing dated 24th June 2025 for offences u/s. 316(5), 318(4), 61(2) r/w. 3(5) of the Bharatiya Nyay Sanhita, 2023 with respect to the petitioner;*
- (c) 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 Nyay Sanhita, 2023 registered at the instance of the respondent-police station be stayed qua the present petitioner.*
- (d) Interim and ad-interim relief in terms of prayer clauses (b) and (c) 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 de-freezing 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 record 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 **Writ Petition No.4927 of 2025 is allowed and disposed off** as per the above terms.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

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