

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

CRIMINAL WRIT PETITION NO.5051 OF 2025

1. Prathamesh Prakash Girkar	]
2. Ravindra Govindram Madavi	]
3. Sharmesh Rohidas Rathod	]
4. Deepak Maheshchandra Jaiswal	]
5. Ajay Shivrath Gupta	]
6. Sharathakumar Ramchandra Dasararaju	]
7. Rupesh Balkrushna Raut	]
8. Sanket Devidas Shinde	] .. Petitioners

Versus

1. The State of Maharashtra, Through CBD Police Station, Navi Mumbai	]
2. Narayan Bideshwar Zha	]
3. Ganesh Nago Dhotre	]
4. Surajbhan Ramsurat Gupta	] .. Respondents

Mr. Vishal Laxman Kolekar with Mr. Siddharth P. Wakode, i/by
Mr. Randhir Kale, Advocates for the Petitioners.

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

Mr. Shubham Kadam, Advocate for Respondent Nos.2, 3 and 4.

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

DATE : 19TH NOVEMBER 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 Constitution of India seeking quashing of the proceedings before the Additional Sessions Judge at Belapur, Navi Mumbai arising out of FIR bearing CR. No.92 of 2014 dated 13th August 2014.

2. The respondent no.2 is the original complainant. It is alleged in the FIR that the petitioner no.4, along with the other petitioners

unlawfully abducted respondent nos.3 and 4, who are working as cook and driver for the respondent no.2, and stole documents, laptop and cash. The proceedings arising out of the said FIR are pending before the learned Sessions Court at Belapur, Navi Mumbai bearing Sessions Case No.539 of 2023. The investigation is completed and charge-sheet has also been filed.

3. The respondent no.2 had earlier approached this Court by filing Criminal Writ Petition No.2071 of 2015, wherein quashing of the said FIR and proceedings was prayed for on ground of amicable settlement between the parties therein. This Court disposed the said petition by the order dated 24th February 2017 on ground that the dispute has not been settled with the victims involved. A liberty was granted to file a fresh petition in event of settlement with the victims. The petitioners have now settled the dispute with respondent nos.2 to 4 and have approached this Court by way of this Writ Petition.

4. The petitioner nos.1 to 4 and the respondent nos.2 to 4 are present in the court and identified by their respective learned counsel. The parties have affixed their signatures and have recorded their appearance in their own handwriting which shall now form part of the record. The copies of their Aadhaar Cards is also taken on record. Mr. Kadam, the learned counsel for respondent nos.2 to 4 has tendered affidavits on behalf of them, dated 10th November 2025, which record that they have settled their disputes and have no objection to quashing of the criminal proceedings.

5. It is well settled principle of law, as held by the Hon'ble Supreme Court in "*Gian Singh v. State of Punjab*" (2012) 10 SCC 303 the power to quash criminal proceedings under the High

Court's inherent powers is materially different from power to compound the offences. It is also observed that even where offences are non-compoundable, the High Court may quash criminal proceedings upon settlement between the offender and the victim when it is satisfied that the continuation of proceedings would be an exercise in futility. In light of the said position of law and the liberty granted to the parties by this Court by the order dated 24th February 2017, **this Criminal Writ Petition No.5051 of 2025 is allowed** in terms of prayer clause (b) which reads as under:-

“b. The Hon’ble Court by invoking writ jurisdiction under Article 226 of the Constitution of India, issue a writ of certiorari or any direction or order in the nature of writ of certiorari and thereby be pleased to quash and set aside the criminal proceedings in Sessions Case No.539 of 2023 pending on the file of the Additional Sessions Judge at Belapur, Navi Mumbai arising out of the impugned FIR dated 13/08/2014 lodged vide C.R. No. 92 of 2014, registered with CBD Police Station, Navi Mumbai for the offence punishable under sections 363, 395, 452 of the Indian Penal Code, 1860 and under sections 3 and 25 of the Arms Act against the petitioners.”

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]