

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

CRIMINAL WRIT PETITION NO.5821 OF 2025

Amish Khushal Shah,
R/o. Borivali (West), Mumbai] .. Petitioner

Versus

1. State of Maharashtra,]
Through Borivali Police Station, Mumbai]
2. Harsh Hemendra Barbhaya]
R/o. Borivali (West), Mumbai] .. Respondents

Mr. Jagdish S. Hegde with Mr. M.K. Giri, Advocates for the
Petitioner.

Mr. Puneet M. Vyas, Advocate for Respondent No.2-Original
Complainant.

Mr. Harsh Hemendra Barbhaya, Respondent No.2 is present in
Court.

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

DATE : 14TH NOVEMBER 2025.

PER, GAUTAM A. ANKHAD, J.

The present Writ Petition is filed under Article 226 of the Constitution of India and section 482 of the Code of Criminal Procedure, 1973/ section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing, by consent, of the C.R. No. 0275 of 2024 dated 15th April, 2024 registered with the Borivali Police Station, Mumbai for the offences under sections 34 and 420 of the Indian Penal Code, 1860.

2. The dispute arises out of a leave and license agreement between the parties wherein petitioner was residing in the subject flat as per the arrangement between the parties. Pursuant to the filing of the FIR, the parties have arrived at an amicable settlement

and the same is crystallized in the consent terms dated 10th January 2025 filed in Suit No. 2062 of 2023 with the Hon'ble City Civil Court (14th Court), Borivali Division at Dindoshi. A copy of the said consent terms is annexed at page no.17 of the present petition. Mr. Vyas, the learned counsel for the respondent no.2 tenders a copy of the roznama dated 10th May, 2025 of Civil Suit/2062/23 before the National Lok Adalat Court Room No.2 (Panel -I) and submits that the suit has been disposed off in terms of the consent terms. The said roznama is taken on record. The respondent no.2 is present in Court and is identified by his counsel Mr. Puneet M. Vyas.

3. In "*Nikhil Merchant v. CBI*", (2008) 9 SCC 677, the Hon'ble Supreme Court has held that the Court is empowered to quash the criminal proceedings to meet the ends of justice, especially in light of civil disputes with criminal facets wherein the complainant no longer wishes proceed with their complaint. In view of the above, **Writ Petition No.5821 of 2025 is allowed** in terms of prayer (b), which reads as under:

"(b) Pending the hearing and final disposal of this petition, the operation and/or any further process or action against the petitioner under FIR No.275 of 2024 registered with Borivali Police Station, the respondent no.2 herein for the offences punishable under sections 420 and 34 of the Indian Penal Code, 1860 be stayed."

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]