

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 6059 OF 2025

Amrut Shivji Gada and ors. ...Petitioner

Versus

State of Maharashtra and anr. ...Respondents

Mr. Karan Singh Rajput, a/w Fauzan Shaikh and Subhash
Samukhrao, for the Petitioner.

Smt. R. S. Tendulkar, APP for the State – Respondent No.1.

Mr. Tarun Shriwastava, a/w Dilip Shingan, i/b Karmarkar and
Associates, for Respondent No.2.

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CORAM: N. J. JAMADAR, J.

DATED: 27th NOVEMBER, 2025

Order:-

1. This petition under Article 227 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (“BNSS”) is filed to quash and set aside the proceedings in Complaint Case No.510/SW/2011 and the order of issue of process passed by the learned Magistrate, which has been affirmed in revision by the learned Sessions Judge in Misc. Application No.51 of 2025.

2. Applicant Nos.1 and 2 are the promoters of M/s. Sejal Glass Ltd. Applicant No.3 was Vice President, Accounts and Finance and applicant No.4 was the Vice President, Operations and Company Secretary of M/s. Sejal Glass. Applicant No.1 –

accused No.1 had signed engagement letter with respondent No.2 – the first informant for securing a Bank loan. It was allegedly agreed to pay 0.40% of the sanctioned loan amount to respondent No.2 towards the services rendered by respondent No.2. As the accused allegedly did not pay the amount of agreed charges dishonestly, respondent No.2 – complainant lodged a complaint for the offences punishable under Sections 323, 504 and 506(2) read with Section 34 of the Indian Penal Code, 1860 (“IPC”). By an order dated 5th December, 2024, the trial Court framed charges against the accused.

3. Being aggrieved, the accused preferred a revision application before the Sessions Judge. By the impugned order dated 9th October, 2025, the revision application came to be dismissed.

4. Being further aggrieved, the petitioners have invoked the writ jurisdiction.

5. In the intervening period, the applicants and respondent No.2 appear to have amicably resolved the dispute. Respondent No.2 appeared before the Court and sought leave to file consent affidavit.

Leave granted.

6. Consent affidavit is taken on record.
7. Respondent No.2 has, *inter alia*, affirmed that, the disputes have been amicably resolved and demand drafts in the sum of Rs.25,00,000/- have been delivered to him towards the full and final satisfaction of his claim.
8. Respondent No.2 complainant appeared before the Court. Upon being inquired, respondent No.2 specifically stated that he has amicably resolved the dispute with the accused and a sum of Rs.25,00,000/- has been agreed to be paid to him towards the charges for his professional services.
9. Evidently, the offences have their genesis in the commercial transaction between the parties. It does not appear that instant case involves heinous and serious offences of mental depravity. The dispute between the parties has overwhelmingly and predominantly civil flavour.
10. In view of the enunciation of law in the case of ***Narinder Singh and Others vs. State of Punjab and another*¹**, the criminal cases having overwhelmingly and predominantly civil character particularly those arising out of commercial transactions or matrimonial relationship or family disputes can be quashed

1 (2014) 6 Supreme Court Cases 466.

when the parties have resolved their entire dispute among themselves.

11. As the parties have worked out a comprehensive settlement of the dispute and buried hatchet, the ends of justice would be secured by quashing otherwise fruitless prosecution. It would also prevent the abuse of the process of the Court.

12. Hence, the following order:

: O R D E R :

- (i) The petition stands allowed.
- (ii) The impugned orders stand quashed and set aside.
- (iii) The proceeding in Complaint Case No.510/SW/2011, stands quashed and set aside.

The petition stands disposed.

[N. J. JAMADAR, J.]