

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

CRIMINAL WRIT PETITION NO.6087 OF 2025

1. Shafeeq Ahmad Moona	]	
2. Fayaz Ahmed Lone	]	
3. Praveen Kumar	]	
4. Vijay Mohan	]	.. Petitioners

Versus

1. State of Maharashtra,	]	
Through Vile Parle Police Station, Mumbai	]	
2. Mamta Vikas Patel	]	.. Respondents

Mr. Varun Thokal, Advocate for the Petitioners.

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

Mr. Vivek Babar, Advocate for Respondent No.2.

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

DATE : 2ND DECEMBER 2025.

PER, GAUTAM A. ANKHAD, J.

All parties are present in the court and are identified by their learned counsels. They also tender their handwritten appearances along with their signature and details of their Aadhar Card.

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, by consent, of the C.R. No.491 of 2025 dated 21st July, 2025 filed under sections 69, 316(2), 318(4) and 3(5) of the Bhartiya Nyaya Sanhita, 2023, registered with Vile Parle Police Station.

3. It is the case of the respondent no.2 that the petitioners have allegedly defrauded the respondent no.2 for an amount of Rs.60,00,000/- under the pretext of investing the sum and

promising quick and huge returns. The present dispute arises from financial transactions between the petitioners and respondent no.2. Subsequently, the parties arrived at a mutual settlement and executed a settlement agreement dated 7th August, 2025 which is annexed as “Exhibit-B” to the present petition.

4. Mr. Thatte, the learned counsel for the respondent no.2 tenders consent terms dated 13th November 2025 and an affidavit of consent dated 13th November 2025. The same is taken on record and shall form part of the present proceedings. He reiterates that the respondent no.2 has no objection to the quashing of the FIR and all related proceedings. The entire sum of Rs.60,00,000/- has been paid vide multiple transactions which are reflected in the affidavit of the petitioner no.1 dated 30th September, 2025 filed in Anticipatory Bail Application No.2521 of 2025. The said affidavit is annexed as “Exhibit-C” to the present petition.

5. The law as laid down in “*K. Bharti Devi v. State of Telangana*” (2024) 10 SCC 384 reiterates that certain offences which overwhelmingly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions, where the wrong is to the victim and the offender and the victim has settled all disputes between them amicably, the High Court would be justified in quashing the criminal proceedings. In view of the above view, **Criminal Writ Petition No.6087 of 2025 is allowed** in terms of prayer clause (a) which reads as under:

“(a) This Hon’ble Court be pleased to quash F.I.R. bearing C.R. No.491/2025 against the present petitioners registered with C.R. No.491 of 2025 dated 21.07.2025 registered with the Vile Parle Police Station, Mumbai for offences punishable u/s. 69, 316(2), 318(4) & 3(5) of the Bhartiya Nyaya Sanhita lodged by respondent no.2 and any further proceedings thereof.”

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

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