IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 6798 OF 2025

Jagdish Bhagwandas Ahuja ..Petitioner

Versus

The State of Maharashtra & Ors …Respondent

Mr. Parvez Memon, with Chaitri Kashyap and Manav Bhatt, i/b MZM Legal, for the Petitioner.
Mr. K. C. Shinde, APP, for Respondent No.1.
Mr. Anand R Kandoi, for Respondent No.2.
Mr. Sachin Survase, API, Dindoshi Police Station.
Priyanka Bansal, Mahendra Bansal and Brij Mohan Kanda, present.

CORAM: N. J. JAMADAR, J.
DATE : 23rd DECEMBER 2025

ORDER:

1. This Petition has been instituted to quash and set aside *inter alia,* MPID Special Case No. **945 of 2023**, arising out of CR No. 1102 of 2022, registered with Dindoshi Police Station, for the offences punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code") and Section 3 of the Maharashtra Protection of Interest of Depositors (In financial Establishments) Act, 1999.

2. The learned Counsel for the Petitioner and Respondent No.2-the first informant, make a joint statement that the parties have amicably resolved the dispute and Consent Terms have been executed between the parties to settle all the proceedings, including the MPID Special Case No. **945 of 2023** arising out of CR No. 1102 of 2022.

3. The learned Counsel seek leave to tender the Consent Terms and an Affidavit in Reply on behalf of Respondent No.2-the first informant.

Leave granted.

4. The genesis of the dispute appears to be in the financial transactions between the Petitioner and the Respondent Nos. 2 to 4. It is alleged, Respondent Nos. 2 to 4 had advanced amounts to the Petitioner against several bill of exchange executed by the Petitioner in favour of the Respondents. Upon default in repayment, it seems, various proceedings including summary civil suits and complaints for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, apart from the instant prosecution, came to be lodged.

5. Respondent Nos. 2 to 4 are present before the Court.

6. Respondent Nos. 2 to 4 specifically submit that they have received settlement amount by way of Demand Drafts, as indicated in paragraph 6 of the Consent Terms, and they are agreeable to the terms of the settlement. They admit the contents of the Consent Terms and execution thereof. The Consent Terms are thus taken on record and marked “X”.

7. Respondent No.-2-first informant has filed an Affidavit, affirming that the dispute has been settled and, she and Respondent Nos. 3 and 4 have signed the Consent Terms, and that she has no objection to quash the FIR as well as MPID Special Case No. **945 of 2023**, in the light of the Consent Terms.

8. It appears that the parties have worked out a comprehensive settlement of the dispute. The genesis of the offences was in the financial transaction between Respondent Nos. 2 to 4 and the Petitioner. The learned APP, on instructions of the Investigating Officer, who was present in Court, submits that apart from Respondent Nos. 2 to 4, there is no other victim.

9. In this view of the matter, as the offence arose out of financial transactions between the Petitioner and Respondent Nos. 2 to 4, who seem to have known each other from before, there is no element of public law offence. In view of the enunciation of law in the case of **Narinder Singh & Ors Vs State of Punjab & Anr,**[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 when the parties have resolved their entire dispute among themselves.

10. I am, therefore, inclined to allow the Petition as no fruitful purpose would be served by continuing the prosecution. Further

1 (2014) 6 SCC 466.

continuation of the prosecution would not promote the interest of justice.

11. Hence, the following order:

: O R D E R :

Petition stands allowed in terms of prayer clauses (a), (b) and (c).

No costs.

[N. J. JAMADAR, J.]