

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

CRIMINAL APPLICATION NO.973 OF 2025

Arvind Padamchand Kothari Applicant
V/s
The State of Maharashtra & Ors. Respondents

Adv. Pankaj Jain i/b P.D. Jain and Co. for the Applicant.
Mr. K. V. Saste, APP for the State - respondent no.1 and
respondent no. 2.
Adv. Indesh A. Rathod for the respondent no.3.
Respondent no. 3 Mr. Mohit S. Aroda present in the court.

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

DATE : 24TH SEPTEMBER 2025.

Per, Gautam A. Ankhad, J.

The present Criminal Application is filed under section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing, by consent, of the FIR No. 0117 of 2025 registered with the Juhu Police Station under sections 318(4), 319(2), 316(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 and the criminal proceeding being Criminal Case No. 1724/PW/2025 pending before the Learned Metropolitan Magistrate, 10th Court, Andheri, Mumbai.

2. The FIR was registered at the instance of the respondent no.3 (the original complainant) against the applicant. The FIR pertained to certain misunderstandings between the applicant and the respondent no.3. Subsequently, the differences and misunderstanding between the applicants and the respondent no.3 has been amicably resolved.

3. Respondent No.3 is present in the court and identified by his Advocate, Mr. Indesh A. Rathod. Aadhar Card of Respondent No. 3

has also been verified. An affidavit dated 24th September 2025 is tendered by Mr. Rathod across the bar which records the no objection of the Respondent no. 3 to the quashing of the FIR and any proceedings arising therefrom. The same is taken on record and marked "X" for identification.

4. It is settled law that the Court is empowered to quash the criminal proceedings to prevent the abuse of process of law, particularly, when the complainant no longer supports the complaint. Therefore, continuation of the criminal proceedings would serve no fruitful purpose. In view of the above, Criminal Application No.973 of 2025 is allowed in terms of prayer clause (a), which reads as under:-

“ a) Exercise its powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and be pleased to quash and set aside the Criminal Case bearing No. 1724/PW/2025 pending on the files of the Ld. Metropolitan Magistrate First Class, 10th Court, Andheri, and also be pleased to quash FIR No. 0117/2025 and Charge sheet instituted by Juhu Police Station, Mumbai, and also be pleased to quash all miscellaneous and ancillary proceedings arising therefrom.”

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]