

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

CRIMINAL APPLICATION NO.985 OF 2025

Himanshu Babulal Shah and Anr	 Applicants
V/s.	
The State of Maharashtra and Anr	 Respondents

Mr. Aditya S. Lele a/w Mr. Rutuparn U. Deo for the Applicant.
Mr. K.V. Saste, APP for the Respondent No.1.
Mr. S.S. Bedekar for the Respondent No.2.

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

DATE : 22ND SEPTEMBER 2025.

Per, Gautam A. Ankhad, J.

The present criminal application is filed under Article 227 of the Constitution of India read with section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing, by consent, of the First Information Report bearing C.R. No.0551 of 2023 registered with the Vile Parle (East) Police Station under sections 420, 406 and 43 of the Indian Penal Code, 1860 as well as the proceedings being Case No.PW/650368/2023 pending before the learned Metropolitan Magistrate, 65th Court at Andheri (East).

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

3. Mr. S. S. Bedekar, the learned counsel for the respondent no.2 has tendered a copy of the consent terms dated 29th February 2024 filed in S.C. Suit No. 682 of 2023 filed by the respondent no. 2

against *inter alia* the applicants in the City Civil Court at Borivali Division, Dindoshi, Mumbai across the Bar which records that the parties had settled their dispute amicably. The learned counsel for the respondent no. 2 also submitted that he has no objection to the quashing of the FIR and any proceedings arising therefrom. The consent terms dated 29th February 2024 are 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.985 of 2025 is allowed in terms of prayer clause (a) and (b), which reads as under:-

- "a. The present Criminal Application be allowed;*
- b. This hon'ble Court be pleased to issue order under section 528 of BNSS/ 482 of Criminal Procedure Code, thereby quash and set aside the proceedings being case no. PW/6503638/2023 (arising out of F.I.R. bearing C.R. No. 551 of 2023 registered with the office of the Respondent no. 1 for alleged offences punishable u/sec. 420, 406 and 43 of the IPC) pending before the Learned Metropolitan Magistrate, 65th Court at Andheri (East) against the Applicants on such terms and conditions as this Hon'ble Court may deem fit to grant in the circumstances of the case."*

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]