

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1154 OF 2025

1. Atul Arunrao Pethkar
Age – 46 years, Occ.-Business,
Residing at 9/34, Lalbahadur Shastri
Vasahat, Golf Club Ground, Nashik,
District – Nashik – 422 002.
2. Vajir Musa Mujawar
Age – 65 years, Occ. : Business,
Residing at Flat No.C/704,
S.No.808 / 3, Shriji Centram Apartment,
Near Narayani Hospital, Deepali Nagar,
Nashik, District – Nashik – 422 206.
3. Smt.Sonali @ Manisha Haribhau Sonar,
Age – 57 years, Occ. - service,
Residing at Near Ved Mandir,
D-14/58, Sardar Patel Vasahat,
Trambak Road, Nashik,
District – Nashik – 422 002.

...Applicants

Versus

1. Akshay Anil Zawar,
Age 33 years, Occ. - Business,
Residing at C-23, Nirman Upavan,
East Door, Kalaram Mandir, Seeta Gumph
Dhikale Nagar, Panchavati, Nashik,
District – Nashik.
2. State of Maharashtra

(at the instance of Mumbai Naka Police
Station, Nashik.) ...Respondents

Mr. Sanjay Ghaisas for the Applicants.

Mrs. Kranti T. Hiwrale, A.P.P for the Respondent-State.

Ms. Ashwini B. Jadhav for the Respondent No.1.

PSI – Mr. Dattatraya E. Gode attached to Mumbainaka Police Station,
Nashik, present.

*CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.
DATE : 23rd DECEMBER, 2025*

ORAL JUDGMENT (Per Revati Mohite Dere,J.)

1. Heard learned Counsel for the respective parties.
2. Rule. Rule is made returnable forthwith with the consent of the parties and is taken up for final disposal. Learned A.P.P waives notice on behalf of the Respondent No.2 – State. Ms.Ashwini Jadhav, learned Counsel for the respondent No.1 waives notice on behalf of the said respondent.

3. By this application, preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants seek quashing of the FIR registered vide C.R.No.218 of 2025 with the Mumbai Naka Police Station, Nashik, for the alleged offences punishable under Sections 318(4), 316(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023. Quashing is sought on the premise that the parties have amicably settled their dispute.

4. Perused the papers. According to the respondent No.1 (original complainant), the applicants had taken money from him after promising him a job / service. As the applicants failed to give a job / service to the respondent No.1, despite paying the amount, the respondent No.1 lodged the aforesaid F.I.R as against the applicants alleging the aforesaid offences.

5. Admittedly, chargesheet has not been filed in the said case. Pending investigation, the parties amicably settled their dispute

inasmuch as, the applicants paid the entire amount to the respondent No.1.

6. Learned Counsel for the respondent No.1 has tendered an affidavit dated 24th November, 2025 on behalf of the respondent No.1 – Akshay Anil Zavar. The said affidavit is taken on record. To the affidavit, is annexed the respondent No.1's a photocopy of Aadhar Card and Pan Card duly attested by him. The respondent No.1 is present in Court. He re-iterates contents of his affidavit. Learned Counsel for the respondent No.1 has identified the respondent No.1. In the said affidavit, the respondent No.1 has stated that the dispute has been resolved inasmuch as, he has received his money. He has also given his consent to the quashing of the said FIR.

7. Considering the nature of dispute / transaction, the amicable settlement between the parties and the Judgment of the Apex Court in this regard, there is no impediment in allowing the aforesaid application.

8. Accordingly, the application is allowed and the FIR registered vide C.R. No. 218 of 2025 with the Mumbai Naka Police Station, Nashik, is quashed and set aside.

9. Petitioners, together, to deposit costs of Rs.50,000/- with the Mumbai Police Welfare Fund having a/c No. 465010100008693, IFSC Code No. UTIB0000465, within two weeks from today.

10. Rule is made absolute on the aforesaid terms. Petition stands disposed of accordingly.

11. Stand over to **8th January, 2026**, for recording compliance of the order passed today.

12. All concerned to act on the authenticated copy of this judgment.

SANDESH D. PATIL, J.

REVATI MOHITE DERE, J.