

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1446 OF 2025

- | | | |
|---|---|-----------------|
| 1. Prasanna Harishchandra Sawant |) | |
| Age – 32 years, Occupation : Business |) | |
| R/o. 54/74, Purva Rang CHS, |) | |
| Tata Colony, Navghar Road, |) | |
| Mulund (East), Mumbai |) | |
| |) | |
| 2. Pradeep Prakash Gurav |) | |
| Age – 34 years, Occupation : Business, |) | |
| R/o. 701, Kalimata Society, |) | |
| Khambadev Nagar, Dharavi, Mumbai |) | |
| Presently lodged at Thane Central Jail |) | ... Applicants |
| |) | |
| V/s. |) | |
| |) | |
| 1. The State of Maharashtra |) | |
| Through IO, Rabale Police Station, |) | |
| Navi Mumbai |) | |
| |) | |
| 2. Sachin Suresh Pawar |) | |
| Age – 45 years, Occupation : Service |) | |
| R/o. Sadguru Bungalow, |) | |
| Ganesh Nagar Ris, |) | |
| Tal – Khalapur, District - Raigad |) | ... Respondents |

Mr. Raviraj Paramane a/w. Mr. Pranay Shivchare, Advocate for the Applicant

Mr. V.B. Konde Deshmukh, Addl.P.P. for the Respondent – State

Mr. Om Latpate, Advocate for the Respondent No.2

**CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.**

DATE : 8th DECEMBER 2025

ORAL JUDGMENT (Per Revati Mohite Dere, J.) :-

1. Heard learned counsels for the respective parties.
2. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Mr. V.B. Konde Deshmukh, Learned Addl.PP waives notice on behalf of the respondent No.1–State. Mr.Om Latpate, waives notice on behalf of the respondent No.2.
3. By this application preferred under Section 318(4) of Bharatiya Nyaya Sanhita, 2023, the applicant seeks quashing of the FIR registered vide C.R. No. 649 of 2025 with the Rabale Police Station, Navi Mumbai, for the alleged offence punishable under Sections 318(4) 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 Respondent No.2 he wanted to purchase an old ertica car from the applicant. Respondent No.2 has further alleged that in order to inspect the vehicle, he went to meet the applicants on 7th February 2025 at Airoli Railway Station. The respondent No. 2 has alleged that one person introduced himself as 'Rupesh Surve' and informed him that the car was owned by Mr. Prakash Wagh from Mulund and that he had consented for the sale transaction. Pursuant to the same, the respondent No.2 paid a token amount of Rs.21,000/- and paid the balance amount of Rs.1,44,000/- thereafter.

5. It is the case of the respondent No. 2 that despite paying the amount to the applicant No.2, the vehicle was not delivered, pursuant to which the aforesaid FIR was lodged.

6. During the course of investigation, applicants were arrested. It transpired during investigation that applicant No.2 had represented & impersonated himself as Rupesh Surve. Admittedly, chargesheet has not been filed till date.

7. Post pendency of the aforesaid FIR, the parties have amicably settled their dispute.

8. Learned counsel for the respondent No.2 has tendered an affidavit of the respondent No.2 – Sachin Pawar. In the said affidavit, respondent No.2 has given his no objection for quashing of the proceeding initiated at his behest in view of the amicable settlement between the parties.

9. He states that he has received a Demand Draft of Rs.1,65,000/- i.e. the amount paid by him to the applicants. The respondent No.2 is personally present in-person. He has reiterated what is stated by him in the affidavit. He has tendered a photocopy of the aadhar card duly attested by him. The same is taken on record. He is identified by his counsel.

10. In view of the amicable settlement between the parties, the affidavit of the respondent No.2, the nature of transaction and the judgments of the Apex Court, we find no impediment in allowing the application.

11. The application is accordingly allowed and C.R. No. 649 of 2025 registered with the Rabale Police Station, Navi Mumbai, is quashed and set aside.

12. Rule is made absolute on the aforesaid terms. If the applicants are in custody, they shall be released forthwith, if not required in any other case.

13. Each of the applicant to deposit costs of Rs.25,000/- each with Bar Council of Maharashtra and Goa, Account No.10996711937, State Bank of India, Mumbai Main Branch, IFSC Code : SBIN0000300, within two weeks from today.

14. Petition stands disposed of accordingly.

15. List the matter under the caption 'For recording compliance' on **23rd December 2025**.

16. All concerned to act on the authenticated copy of this order.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)

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