IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 5009 OF 2024

Vishnu Narayan Harihar & ors. .Petitioners

Vs.

The State of Maharashtra & anr. .Respondents

ANAND SUDHAKAR SUDAME
Digitally signed by ANAND SUDHAKAR SUDAME
Date: 2026.10.12 11:03:10 +0530

Mr. Kocharekar i/b. Mr. Sachin K. Hande, Advocates, for the Petitioners
Ms. S. G. Talhar, APP, for Respondent No. 1 – State
Ms. Tanvi Pathak, Advocate, for Respondent No. 2
Mr. Akshay Ghule, PSI, Swargate Police Station, Pune present

CORAM : MILIND N. JADHAV, J.

DATE : 08.10.2026

P. C.

1. Heard Mr. Kocharekar, learned Counsel for the Petitioners, Ms. Talhar, learned APP for Respondent No. 1 – State and Ms. Pathak, learned Counsel for Respondent No. 2.

2. The dispute between the parties had arisen on account of transaction of an immovable property which was pre-dominently an ancestral property owned by the Complainant and the charge is of threatening and Criminal intimidation by showing a weapon. However, the statement which is appended at page No. 31 as per the FIR itself *prima facie* shows that the First Informant thought that the Petitioners had, in fact, showed a weapon in their direction and threatened him

about which he himself is not sure. I have perused the same. Considering the fact that there is also substantial delay in filing the FIR. The Consent Affidavit of the Complainant dated 08.10.2025 is at page No. 267. I have perused the same. The parties are present in Court and on VC, I have interacted with them with the able assistance of the Advocates on record. *Prima facie*, I find that in view of the resolution of the dispute with regard to the immovable property, the request made by the parties deserves to be allowed so that the parties can be free to live their life without ignominy of the present proceeding any further. The Petition, therefore stands allowed.

3. Section 482 of the Criminal Procedure Code, 1973 conferred inherent powers on High Courts to pass such orders as are justified to give effect to any order in the Court, prevent abuse of process of any Court or secure the ends of justice. In the BNSS this provision stands incorporated with Section 528 which substantially reproduces the language and intent of Section 482 of the CRPC, 1973 High Courts invoke this provision to step in where cases have been instituted with *malafide* motives or to harass the accused person thereby avoiding procedural harassment. It empowers Court to dismiss FIRs or criminal proceedings if there is no *prima facie* case or evidence against the accused person/s or if orders are made in violation of the principles of

natural justice. The exercise of such powers under Section 482 of CRPC and now Section 528 of BNSS remains discretionary and varies from case to case.

4. In ***State of Harayana vs Bhajan Lal***[1] the Supreme Court laid down model categories and guidelines in paragraph No. 102 of the said judgment in which the FIRs can be quashed. The Supreme Court has further asserted that power under Section 482 is an acknowledgment of "powers inherent" and not the source of powers additional. It has held that even non compoundable offences can be quashed where necessary. It has held that High Courts have to decide whether the prosecution of an offence would further or be against the interest of justice. It is also held that grievous offences such as murder, rape, and dacoity cannot ordinarily be quashed even after settlement because they involve societal implication.

5. In the above context, when parties settle their private dispute or the *lis* between them is purely civil and commercial or matrimonial and the offence is not heinous or does not impact the society at large, the Court can consider such request. In such a case awarding costs for putting the criminal law into motion on the act of the accused persons and thereafter both parties seeking quashing of proceedings by

[1] 1992 AIR 604

consent, in my opinion, can be considered by Court which can impose costs on the parties, especially so in matters coming before the Court by “consent quashing”.

6. For above levy of costs the legal principle rests on the logic that criminal law cannot be used as a bargaining chip or a tool for private settlements after draining the State and judicial resources. In simple words, Courts cannot be used as a recovery mechanism to settle scores and/or bring the parties into subjugation. I am of the firm opinion that imposition of costs in consent quashing matters is required to be levied for three main reasons viz., wastage of public resources, consumption of valuable judicial time and for deterrence against vexatious litigation. This is because after criminal machinery is set into motion, the Police Department is forced to take cognizance, conduct investigations, attend courts, deploy personnel, collect evidence and draft chargesheets, all using public funds/ public exchequer. Equally substantial judicial time of the Trial Courts and Sessions Courts is wasted for handling a case, presentation of a case, issuance of summons, scheduling of trial dates, appointment of prosecutors and their fees, etc. and ultimately if consent quashing is allowed such judicial time stands completely wasted, which could have otherwise been used for genuine Trial Court matters/ litigation in one way such matters result in clogging the legal

system and lead to humongous pendency which becomes difficult to tackle.

7. Another aspect to consider for imposing costs is that it curbs the growing trend of filing strategically exaggerated criminal complaints (especially matrimonial or commercial disputes) simply to force financial and legal settlements. In a given case made out on merits of the matter, even the Complainant can be put to costs while considering a quashing Petition purely on merits depending upon the facts of each case before Court. In some strong circumstances, even the State machinery can be put to costs if a purely civil dispute between parties strongly emanating from the facts on record is registered as criminal case and given the flavor of criminality. This Court is also equally conscious about not imposing costs blindly or mechanically if a particular party is not found to be remiss or at explicit fault for abusing the law, as also conscious about heinous offences impacting the society at large while considering consent quashing.

8. Applying the aforesaid principles to the facts of the present case, I am of the opinion that the Petitioners, for their actions resulting in the complainant invoking criminal proceedings and now both the parties seeking quashing by consent, the Petitioners, should pay costs. Hence, Petitioners are directed to pay costs of Rs. 25,000/- towards the

Corpus of **A.K. Munshi Yojana** a trust which runs medical centres, vocational training centres and which also runs a Special School called **J.T. Sheth Mandbuddhi Vikas Kendra**, imparting education and training to the needs of 150 special children in the field of Education (Classes for 6 to 18 years), early intervention (upto 6 years) and vocational training (18 years above) having its school address and building at A.K. Munshi Yojana Chowk, 3rd Panjarapole Lane, C.P. Tank, Mumbai – 400 004 [Contact Nos. 22425513 / 22423654] registered under the Society Registration Act, XXI of 1980 under No. : 387/81 GBBSD and the Public Trust Act, XXIX of 1950 under No. F-6809. RCI Reg. No. 0163 within a period of two weeks from the date of uploading of this order. The Petitioners are present in Court and through their learned Advocate agree to pay the aforesaid costs amount to the charity.

9. In view of the above matter, the present Petition deserves to be allowed subject to payment of costs as directed herein above. It is so allowed in terms of prayer clause 'b' which read thus:-

> *"b) That this Writ Petition may be allowed, and that this Hon'ble Court may pass appropriate orders/writ/directions and quash and set aside all the proceedings arising out of and the FIR bearing No. 115 of 2022, registered with the Swargate Police Station, Pune and subsequent proceeding i. e. Session Case No. 1196 of 2022 pending before Ld. District & Session Court at Pune."*

10. List the Writ Petition for compliance of the order regarding

payment of costs on 22.10.2026.

11. Advocate for the Petitioners shall remain present and show compliance on behalf of the Petitioners on the returnable date for compliance. If he does not remain present and there is non-compliance of this order, Court will pass appropriate order for recall of this order, which shall be noted by the Petitioners.

12. Writ Petition is allowed and disposed.

(MILIND N. JADHAV, J.)