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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3454 OF 2026

Akash Wadhawan and Ors. .. Petitioners

Versus

State of Maharashtra and Anr. .. Respondents

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- Mr. Bhavesh Thakur, Advocate i/by Nehal Desale for Petitioners.
- Mr. Amit A. Palkar, APP for Respondent – State No.1 – State.
- Mr. Rohit Karhadkar, Advocate for Respondent No.2.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 15, 2026.

P.C.:

1. Mentioned out of turn at the time of rising.

2. Heard Mr. Thakur, learned Advocate for Petitioners; Mr. Palkar, learned APP for Respondent No.1 – State and Mr. Karhadkar, learned Advocate for Respondent No.2.

3. The dispute between the parties has arisen on account of non-payment of RTO transfer charges for a vehicle which was transferred for use from New Delhi to Mumbai. Complaint was filed by the concerned party but they have now agreed and decided to bear the transport charges equally. Hence they would persuade the Court to quash the FIR.

4. In view of the above, both the parties are before the Court. The Consent Terms dated 13.10.2026 are placed before the Court signed by all the parties. Parties have agreed to confirm signing the Consent Terms. As stated in the Consent Terms, once the parties have agreed on the aforesaid, they have now requested the Court to consider quashing the First Information Report (FIR) so that the ignominy of the criminal proceedings does not affect their future life.

5. 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.

6. 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.

7. Adhering to the request, Petition stands allowed in terms of prayer clause 'b' which reads thus:-

> "*(B) BY ISSUING APPROPRIATE WRIT, ORDER AND DIRECTION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA AND SECTION 528 OF BHARATIYA NAGARIK SURAKSHA SUNHITA, THE F.I.R BEARING NO.I – 220/2026 REGISTERED WITH BOISAR POLICE STATION U/S 618, 352 & 3(5) OF BHARATIYA NYAYA SANHITA MAY KINDLY BE QUASHED QUA THE PRESENT PETITIONER.*"

8. In view of the above, Writ Petition is allowed and disposed.

9. However, there shall be no order as to costs.

[MILIND N. JADHAV, J.]

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1 1992 AIR 604

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