Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 5125 OF 2026

Varun Bimal Rawal .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

.....

- Mr. Vikramaditya Deshmukh a/w Mr. Ashwin Vasista, Advocates for Petitioner
- Mr. Yogesh M. Nakhwa, APP for State
- Mr. Alok D. Pandey, Advocate for Respondent Nos. 2 to 4

.....

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 8, 2026

P. C.:

1. Heard Mr. Deshmukh, learned Advocate for Petitioner; Mr. Nakhwa, learned APP for State and Mr. Pandey, learned Advocate for Respondent Nos. 2 to 4.

2. Present Petition is filed seeking quashing and setting aside of the FIR and the consequential proceedings, if any, arising therefrom.

3. The dispute between the parties arose out of a matrimonial dispute between them. The have now reconciled their dispute. Parties have filed their consent terms in the Family Court. Complainant is the brother of the wife. All parties are present before me. They have agreed to reconcile their disputes and have persuaded the Court for consent quashing. I have perused the record placed before the Court with the able assistance of the learned Advocates. I have interacted

with the parties. Considering the *lis* between the parties and the consent terms having been filed in the Family Court, I am inclined to accept the request made for consent quashing.

4. 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.

5. 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 furthered asserted that power under Section 482 is an

1 1992 AIR 604

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.

6. In view of the above, the present Petition is allowed in terms of prayer clause (a) which read thus:-

> *"(a) that this Hon'ble Court may be pleased to quash and set aside FIR No.33 of 2018 for alleged offences punishable under Sections 406, 420 and 34 of the IPC registered with the MIDC Police Station, Mumbai and Criminal Case No. PW/2202640/2019 which was the case registered pursuant to the FIR No.33 of 2018 and pending before the Additional Chief Judicial Magistrate, 22nd Court."*

7. Petition is allowed and disposed.

[MILIND N. JADHAV, J.]

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RAVINDRA MOHAN AMBERKAR
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