Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4500 OF 2026

Mohammed Faisal Mohammed Faizan Shaikh & Ors. .. Petitioners

Versus

The State of Maharashtra .. Respondent

WITH

WRIT PETITION NO. 4502 OF 2026

Rehmat Mohammed Aslam Shaikh & Ors. .. Petitioners

Versus

The State of Maharashtra .. Respondent

.....

- Mr. Ashraf Khan, Advocate for Petitioners in WP 4500/26
- Mr. Rafid Shaikh, Advocate for Petitioners in WP 4502/26
- Mr. Amit A. Palkar, APP for State
- Mr. Satish Kalbhor, PSI, Trombay Police Station

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 1, 2026

P. C.:

1. Heard Mr. Khan, learned Advocate for Petitioners in WP 4500/26; Mr. Shaikh, learned Advocate for Petitioners in WP 4502/26, and Mr. Palkar, learned APP for State.

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

3. All parties are present before the court. Both the Petitions are arising out of cross complaints filed by the concerned parties. Consent

affidavit dated 01.09.2026 filed by Complainants in Writ Petition 4500/26 is appended at page Nos. 66-68 of the Petition whereas consent affidavit dated 01.10.2026 filed by Complainants in Writ Petition No. 4502/26 is placed before me.

4. I have interacted with the parties who are present in Court before me with the able assistance of their learned Advocates. Parties are residing in the same locality in very close proximity to each other and with the able assistance of the elders and well-wishers and in order to maintain peace and harmony and cordial relations in the community, have voluntarily decided to forgive their grievances for each other which had led to the offences in the present case.

5. Though it is seen that the offences pertain to assault which was of a grievous nature, the cause for the same with regard to the issue which had arisen in the hospital will also equally have to be seen. Since the parties have decided to forget the past and go on in their life, they have requested the Court to allow consent quashing.

6. Considering the submissions made by both the sides, I am inclined to allow both the Petitions for consent quashing.

7. 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.

8. 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 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,

1 1992 AIR 604

rape, and dacoity cannot ordinarily be quashed even after settlement because they involve societal implication.

9. Both the Petitions are allowed in terms of prayer clause (b) which reads thus:-

WRIT PETITION No. 4500/26:-

(b) This Hon'ble Court be pleased to quash the proceedings FIR No. 253/2020 vide Court Case No. 601/PW/2023 pending before the JMFC, 60th Court, Kurla, Mumbai.

WRIT PETITION No. 4502/26:-

(b) To quash the chargesheet FIR dated 04.09.2020 registered at the instance of Respondent No. 2 with Trombay Police Station at C.R. No. 254 of 2020 for the offences punishable under Sections 324, 323, 504, 354, 509 and 34 against the Petitioners."

10. All consequential proceedings arising therefrom are also quashed and set side.

11. Both the Petitions are allowed and disposed.

[MILIND N. JADHAV, J.]

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RAVINDRA MOHAN AMBERKAR

Digitally signed by RAVINDRA MOHAN AMBERKAR
Date: 2026.10.01 19:54:16 +0530