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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4595 OF 2026

Radheshyam Shyamlal Gupta and Ors. .. Petitioners

Versus

State of Maharashtra and Anr. .. Respondents

.....

- Ms. Priyanka A. Gupta, Advocate for Petitioners.
- Mr. Amit A. Palkar, APP for Respondent No.1 – State.
- Ms. Seema S. Dighe, Advocate for Respondent No.2.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 15, 2026.

P.C.:

1. Mentioned at the time of rising.

2. Heard Ms. Gupta, learned Advocate for Petitioners; Mr. Palkar, learned APP for Respondent No.1 – State and Ms. Dighe, learned Advocate for Respondent No.2.

3. The parties before the Court informs the Court that the present Petition be allowed by consent quashing. The dispute between the parties arose on account of certain fixed deposit amounts which are not substantial and the non-payment thereof led to further disputes.

4. Considering the request made by the Complainant and the consent Affidavit dated 14.10.2026, copy of which is placed on record, I am inclined to accept the request made by the parties before the Court and allow the present Petition by consent quashing.

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

1 1992 AIR 604

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. 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.

8. Petition stands allowed in terms of prayer clauses (a) and (b) which read thus:-

> *"a That this Hon'ble Court may be pleased to call for the records and proceedings pertaining to F.I.R. No. 189 of 2010 and the proceedings arising out of registered the proceedings with Charkop Police Station, Mumbai, on 26/07/2010.*
>
> *b After perusing the records and proceedings and in the interest of justice, be pleased to quash and set aside the said F.I.R. No. 189 of 2010 registered with Charkop Police Station, Mumbai on 26/07/2010 for the offences punishable under Sections 409, 406 and 34 of the Indian Penal Code, along with the Charge Sheet and all consequential proceedings arising therefrom, in view of the fact that the entire fixed deposit amount forming the subject matter of the complaint has already been paid to the Complainant by the Petitioner by way of Pay Order, which was duly forwarded to the concerned police authorities vide letter dated 14/08/2010."*

9. The pay orders, if any, presently in the custody of the Investigating Officer attached to Charkop Police Station in the present case shall be handed over forthwith without any further delay to the legal heirs of Respondent No.2 – Complainant.

10. The concerned Investigating Officer shall act upon a server copy of this order downloaded from the High Court website. The concerned Investigating Officer shall ensure strict compliance with this order. Learned APP is directed to intimate to the concerned about this order.

11. In view of the above, Writ Petition stands disposed. However, there shall be no order as to costs.

[MILIND N. JADHAV, J.]

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