IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4614 OF 2026

Vikash Naresh Chillar & ors. .Petitioners

Vs.

The State of Maharashtra & anr. .Respondents

Mr. Punit Gehi a/w. Mr. Siddheshwar Galande, Advocates, for the Petitioners
Ms. R. V. Newton, APP, for Respondent No.1 – State
Mr. Vishal Dhasade, Advocate, for Respondent No. 2
Mr. Harshal Ghagare, PSI, Viman Nagar Police Station, Pune present

ANAND SUDHAKAR SUDAME
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Date: 2026.10.01 21:38:41 +0530

CORAM : MILIND N. JADHAV, J.

DATE : 01.10.2026

P. C.

1. Heard Mr. Gehi, learned Counsel for the Petitioners, Ms. Newton, learned APP for Respondent No. 1 – State and Mr. Dhasade, learned Counsel for Respondent No.2.

2. The parties are all young offenders before me. The incident in question happened at the spur of the moment, whereby a scuffle took place. Certain injuries occurred. Affidavit of the Complainant/Respondent No. 2 dated 29.08.2026 is filed before the Court. I have interacted with all the parties – five Petitioners and the Complainant. Considering the stand that they have adopted and the fact that the Petitioners are students persuade me to consider the

present case for consent quashing.

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

[1] 1992 AIR 604

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. This is not so in the present case. All parties are young, educated and are remorseful for what had happened.

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 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. However, in the facts of the present case, there shall be no order as to costs.

7. In view of the above, the present Petition deserves to be

allowed. It is so allowed in terms of prayer clauses ‘a’, ‘b’ and ‘c’ which read thus:-

> *“a) Call for the record and proceedings pertaining to FIR No. 0150 of 2026 dated 14.03.2026 registered with Viman Nagar Police Station, Pune, for the offences punishable under Sections 109(1), 118(1), 118(2), 115(2), 189(2), 189(4), 190 and 191(3) of the Bharatiya Nyaya Sanhita, 2023, and be pleased to quash and set aside the said FIR in its entirety, insofar as the Petitioners and the allegations arising from the subject matter thereof are concerned, in view of the amicable settlement arrived at between the Petitioners and Respondent No.2;*
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> *b) Be pleased to quash and set aside the Final Report/Charge Sheet dated 17.07.2026 filed pursuant to FIR No. 0150 of 2026, and consequently quash the criminal proceedings bearing RCC No. 3119 of 2026, wherein presently Petitioner No. 2 is arrayed as a party, pending before the learned Judicial Magistrate First Class, Court No. 2, Shivajinagar, Pune;*
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> *c) Be pleased to quash and set aside all consequential proceedings, actions and processes arising out of FIR No. 0150 of 2026 and the Charge Sheet filed pursuant thereto, insofar as the Petitioners are concerned, including any further proceedings arising therefrom.”*

8. Writ Petition is allowed and disposed.

(MILIND N. JADHAV, J.)