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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4773 OF 2026

Imran Hanif Khanda & Ors. .. Petitioners

Versus

The State of Maharashtra & Anr. .. Respondents

.....

- Mr. Dipak Y. Jadhav, Advocate for Petitioners
- Mr. Yogesh M. Nakhwa, APP for State
- Mr. Sarfaraj J. Shaikh, Advocate for Respondent No. 2
- Ms. Hemlata Vaje, PSI, Pairavi Adhikari, Charkop Police Station

.....

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 8, 2026

P. C.:

1. Heard Mr. Jadhav, learned Advocate for Petitioner; Mr. Nakhwa, learned APP for State and Mr. Shaikh, learned Advocate for Respondent No. 2.

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

3. Relationship between the parties was on account of trading whereby an amount of Rs. 1,75,000/- was exchanged and thereafter not returned leading to filing of the present offence of cheating. Parties have reconciled their dispute. They are before the Court and persuade the court to quash the criminal proceedings so that it does not affect their future business prospects.

4. Consent affidavit dated 032.09.2026 filed by Respondent No. 2 is appended at page Nos. 36-40 of Petition. Parties are present in Court. I have interacted with them.

5. Considering the settlement between the parties and the reconciliation between them, I am inclined to accept their request for consent quashing.

6. 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.

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

8. In view of the above, the present Petition is allowed in terms of prayer clauses (c) & (d) which read thus:-

> *"(c) that That this Hon'ble High Court may be pleased to quash and set aside the F.I.R. bearing No. 685/2021 registered with Charkop Police Station, Mumbai on 30/09/2021 for offences under Sections 419, 420 read with Section 34 of IPC and Sections 66(C), 66(D) of Information Technology Act, 2000, along with the Charge-Sheet/ Criminal Police Case W No. 2404832 of 2022, and all consequential criminal proceedings pending before the Ld. 24th Court Additional Chief Metropolitan Magistrate, Borivali, Mumbai;*
>
> *(d) Further to quash and set aside order dated 15.12.2022 to issuance of process against the Petitioners (accused Nos. 01 to 05)."*

9. Petition is allowed and disposed.

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[MILIND N. JADHAV, J.]

1 1992 AIR 604

RAVINDRA MOHAN AMBERKAR
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Date: 2026.10.13 11:48:58 +0530