HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4778 OF 2026

Vimal Jayant Soni .. Petitioner

Versus

Hemant Ashar and Anr. .. Respondents

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- Mr. Karma Vivan, Advocate for Petitioner.
- Mr. Anupam Surve a/w. Mr. Vinayak S. Vengurlekar and Mr. Hemant J. Ashar, Advocates i/by Nair Vengurlekar & Co. for Respondent No.1.
- Ms. Rajeshree V. Newton, APP for Respondent No.2 – State.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 15, 2026

P.C.:

1. Heard Mr. Vivan, learned Advocate for Petitioner; Mr. Surve, learned Advocate for Respondent No.1 and Ms. Newton, learned APP for Respondent No.2 – State.

2. Parties are before the Court for quashing by consent. Reference to this particular proceeding is already there in the order dated 01.10.2026 which was passed in Writ Petition No.1757 of 2017 by this Court which was with regard to quashing by consent between the same set of parties. This particular First Information Report remained to be quashed and added thereto. Hence, this Petition is taken up for hearing by consent of parties for quashing. In view of the order dated 01.10.2026, there cannot be any impediment in quashing the First Information Report by consent.

3. Parties have placed before the Court Consent Terms dated 01.10.2026, wherein in paragraph No.13, parties have agreed to put an end. There is a specific reference to quash the present proceedings emanating and arising out of C.R.No.206 of 2014 between the parties.

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 further 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 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.

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

8. Writ Petition is so allowed in terms of prayer clause 'a' which reads thus:-

> "*a) That this Hon'ble Court may be pleased to quash and set aside the CC.No. 648/PW/2017 pending before the JMFC arising out of Impugned First Information Report bearing C.R.No. 206 of 2014 registered with Shivaji Park Police Station as well as all consequential proceedings and criminal cases arising therefrom, in the interest of justice and to prevent abuse of process of law.*"

9. No order as to costs.

10. Writ Petition is allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA HANUMANT SAWANT
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