HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2014 OF 2026

Zoheb Mehmood Shaikh And Ors. .. Applicants
Versus
The State of Maharashtra and Anr. .. Respondents

WITH
CRIMINAL APPLICATION NO.2004 OF 2026

Kafeel Ahmed Khan And Ors. .. Applicants
Versus
The State of Maharashtra and Anr. .. Respondents

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- Mr. Sankalp Vichare, Advocate for Applicants in Criminal Application No.2014 of 2026 and Respondent No.2 in Criminal Application No.2004 of 2026.
- Mr. Rahul Arote, Advocate for Applicants in Criminal Application No.2004 of 2026 and Respondent No.2 in Criminal Application No.2014 of 2026.
- Ms. Sangeeta E. Phad, APP for Respondent No.1 – State in both Applications.
- PSI – Ms. Sonali Ghadge, BKC Police Station present.

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CORAM : MILIND N. JADHAV, J.
DATE : OCTOBER 15, 2026

P.C.:

1. Heard Mr. Vichare, learned Advocate for Applicants in Criminal Application No.2014 of 2026 and Respondent No.2 in Criminal Application No.2004 of 2026; Mr. Arote, learned Advocate for Applicants in Criminal Application No.2004 of 2026 and Respondent No.2 in Criminal Application No.2014 of 2026 and Ms. Phad, learned APP for Respondent No.1 – State in both Applications.

2. Criminal Application No.2014 of 2026 is on board today. Criminal Application No.2004 of 2026 is also taken up on board by consent of the parties.

3. Both the Applications are disposed of by this common order. They are filed in view of Complaints and cross Complaints filed by the parties before the Court in view of a quarrel which escalated into a free fight between members of the political party with regard to the redevelopment issue in their area.

4. Though the provisions of Section 324 are invoked in view of the stone pelting incident which had occurred, the parties have reconciled their dispute and persuade the Court to allow them to quash the criminal proceedings so that all concerned parties can lead their life freely without cognizance of the criminal proceedings against them.

5. Considering the issue which is involved and the Consent Affidavit, copy of are appended at page No.31 in Criminal Application No.2014 of 2026 and page No.72 in Criminal Application No.2004 of 2026, I am inclined to consider the request made by the parties and allow 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 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 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.

1 1992 AIR 604

8. 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.

9. In view of the above matter, the present Applications deserves to be allowed.

10. Criminal Application No.2014 of 2026 is so allowed in terms of prayer clause 'b' which reads thus:-

> "*b) This Hon'ble Court be pleased to quash and set aside the proceedings arising out of PW/2706/2024 in F.I.R No.185 of 2024 registered with B.K.C Police Station, pending before Judicial Magistrate (First Class) 71st Court, Bandra, at Mumbai for offences punishable under Section 324 r/w 24 of Indian Penal Code, 1860.*"

11. Criminal Application No.2004 of 2026 is so allowed in terms of prayer clause 'b' which reads thus:-

> "*b) This Hon'ble Court be pleased to quash and set aside the proceedings arising out of PS/7103235/24 in F.I.R No.168 of 2024 registered with B.K.C. Police Station, pending before Judicial Magistrate (First Class) 71st Court, Bandra, at Mumbai for offences punishable under Section 141, 143, 147, 149, 427, 323 and 504 of IPC.*"

12. No order as to costs.

13. Criminal Application No.2014 of 2026 and Criminal Application No.2004 of 2026 are allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA HANUMANT SAWANT
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