

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 693 OF 2024

- 1] Hitesh Dhansukhlal Gohil
2] Bhavika Dhansukhlal Gohil : Petitioners

Versus.

- 1] The State of Maharashtra & anr. : Respondents.

Mr. Aditya Parmar for the Petitioners.

Mr. Sukanta A Karmakar, APP for the Respondent/State.

Mr. Advait Helekar a/w Adv. Vijit Shinde i/by Adv. Adithya R Iyer for the Respondent No.2.

PSI Ruchira Bale, PSI Diksha Parve and PSI Kalidas Dhaware of L.T. Marg Police Station are present.

CORAM : ASHWIN D. BHOBE, J.

DATED : 25 FEBRUARY 2026

PC:-

1. Heard Mr. Aditya Parmar, learned Advocate for the Petitioners, Mr. Sukanta Karmakar, learned APP for the Respondent/State and Mr. Advait Helekar, learned Advocate for Respondent No.2.

2. This Petition under Article 226 of the Constitution of India and under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is preferred by the Petitioners for quashing the FIR bearing No. 588 of 2023 dated 13 October 2023 (impugned FIR) registered with L. T. Marg Police Station, Mumbai and the Chargesheet bearing CC No.117/PW/2024 pending before the learned Metropolitan Magistrate, Esplanade Court, Mumbai.

3. The Petitioners are present in the Court and are identified by their Advocate Mr. Aditya Parmar. He tenders the Photostat copies of the two Identity Cards of the Petitioners, which are taken on record and marked as “X-Colly” for identification.

4. Respondent No.2 is present in the Court and is identified by her Advocate Mr. Advait Helekar. He tenders the Photostat copy of the Identity Card of Respondent No.2, which is taken on record and marked as “X-1” for identification.

5. Mr. Advait Helekar, learned Advocate for the Respondent No.2, states that the Affidavit dated 20 February 2026 affirmed by Respondent No.2 before the Notary Advocate S N Dhangé is placed on record, the same is marked as “X-2” for identification.

6. Respondent No. 2 states that the said Affidavit (X-2) is filed out of her own free will and without any pressure or coercion from any person. She states that the contents of the Affidavit (X-2) are as per her say. She reiterates her no objection for quashing of the criminal proceedings.

7. Mr. Aditya Parmar, learned Advocate for the Petitioners, and Mr. Advait Helekar, learned Advocate for Respondent No.2, submit that the Petitioners and Respondent No.2 have amicably resolved their property-related dispute (concerning common spaces in the premises of their residence) and have entered into the Consent Terms, which they executed on 22 December 2025 before Notary Advocate Sheena Chetan Patil,

Andheri East, Mumbai. They submit that the Petitioners and Respondent No.2 realized that the misunderstanding between them led to the filing of the criminal complaints against each other. They further submit that, being neighbours, they did not want to continue with the discord and thus resolved the matter. They state that Respondent No.2 has given no objection by Affidavit (X-2) for quashing the criminal proceedings. Therefore, considering the facts of the present case and the Petitioners and Respondent No.2 as neighbours, they request that the impugned FIR and the Chargesheet arising out of the impugned FIR be quashed.

8. Mr. Sukanta Karmakar, learned APP for the Respondent/State submits that the Petitioners and the Respondent No. 2 having now resolved their private dispute amicably and the Respondent No.2 having given no objection in the Affidavit (X-2) as also the Consent Terms entered into between the parties, he has no objection for quashing of the impugned FIR and the chargesheet arising out of the impugned FIR. He, however, submits that considering the

valuable time of the police machinery, as also the Court being taken by the Petitioners and the Respondent No.2 to settle a private civil dispute which otherwise did not warrant the filing of any criminal case, exemplary costs may be imposed on the Petitioners and the Respondent No.2.

9. Mr. Aditya Parmar and Mr. Advait Helekar, on instructions, submit that the Petitioners and Respondent No.2 shall deposit appropriate costs.

10. Considering the aforesaid circumstances and the submissions of the learned Advocates, the dispute being of a civil nature, the matter being settled between the Petitioners and Respondent No.2, the statements made by the Respondent No. 2 in the Affidavit (X-2), and in light of the pronouncements by the Hon'ble Supreme Court in the cases of *Gian Singh vs State Of Punjab*¹, *Narinder Singh And Ors vs State Of Punjab And Anr*² and *Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat*³, there is no impediment to allow this

Writ Petition.

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

11. In view of the above and subject to Petitioners paying costs of Rs. 25,000/- and the Respondent No.2 paying costs of Rs. 25,000/- as condition precedent, Criminal Writ Petition No.693 of 2024 is allowed in terms of prayer clause (b). Consequently, the impugned FIR and the Chargesheet arising out of the impugned FIR are quashed.

12. The Petitioners and Respondent No.2 shall deposit their respective costs into the accounts specified below within three weeks from today, and file a compliance affidavit along with proof of deposit in the Court's Registry on or before 25 March 2026.

a] The Petitioners shall deposit the amount of Rs.25,000/- in :-

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

b] The Respondent No.2 shall deposit the amount of Rs.25,000/- in :-

**Central Police Welfare Fund
Director General MS, Mumbai**

Account No: 914010029005759

Bank : Axis Bank Limited

Branch : Worli, Mumbai (M.H.), Mumbai - 400 025

IFSC Code: UTIB0000060

13. The Writ Petition No.693 of 2024 is disposed of.

(ASHWIN D. BHOBE, J.)