

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 870 OF 2024**

Godhumal Narayandas Kishnani And Anr. ... Petitioners

Versus

The State Of Maharashtra And Anr. ... Respondents

WITH

WRIT PETITION (ST) NO. 5706 2026

Jankibai Purshottam Sharma And Ors. ... Petitioners

Versus

State Of Maharashtra And Anr. ... Respondents

Mr. Subhash Jha a/w Sumeet Upadhyay i/b Law Global, for the
Petitioners in Writ Petition No. 870 of 2026 and Writ Petition (ST)
No. 5706 of 2026.

Petitioners in Writ Petition No. 870 of 2026 are present in Court.

Petitioner Nos. 1 to 3 in Writ Petition No. 5706 of 2026 are present
through VC.

Mr. Vishal Krishna a/w Shreyash Shirke and Chetan Gogawale, i/b
Law Care , for the Respondent No. 2

Respondent No. 2 present in Court.

Mr. Yogesh Nakhwa, APP for the Respondent – State.

PSI Ramchandra Jadhav, Crime Branch Unit -2, Bhiwandi, is
present

CORAM : ASHWIN D. BHOBE, J.

DATE : 21st April, 2026.

P.C. :

1. Mr. Subhash Jha, learned Advocate appearing for the
Petitioners in both these Petitions, states that the subject matter of

these two Petitions arises out of the FIR bearing No. 563 of 2022, dated 16.12.2022, registered with Central Police Station, Ulhasnagar (hereafter “impugned FIR”) and that all the persons accused in the impugned FIR are Petitioners in these two petitions. He therefore requests that both Petitions be taken up together, as the private dispute, which is the subject matter of the impugned FIR, between the Petitioners and the Respondent No. 2, is amicably resolved and that the request made in these Petitions is for the quashing of the criminal proceedings by consent. Mr. Vishal Krishna learned Advocate for the Respondent No. 2 (Complainant / Informant in the impugned FIR) confirms the statements made by Mr. Subhash Jha, learned Advocate for the Petitioners. This request, made by Mr. Subhash Jha, learned Advocate for the Petitioners in both these Petitions and endorsed by Mr. Vishal Krishna learned Advocate for the Respondent No. 2, is not objected to by Mr. Yogesh Nakhwa learned APP for the Respondent State. At the request of Mr. Subhash Jha and by consent of parties, these Petitions are taken up together.

2. Heard Mr. Subhash Jha learned Advocate appearing for the

Petitioners in both these Petitions, Mr. Yogesh Nakhwa learned APP for the Respondent – State in both these Petitions and Mr. Vishal Krishna learned Advocate for the Respondent No. 2 in both these Petitions.

3. These Petitions under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 are filed by the Petitioners seeking to quash the Impugned FIR and the chargesheet No. 32 of 2024 arising therefrom.

4. Mr. Subhash Jha submits that the subject matter of the impugned FIR is a private dispute between the Petitioners and Respondent No. 2 regarding a property in respect of which both the Petitioners and Respondent No. 2 claim a right.

5. Mr. Subhash Jha and Mr. Vishal Krishna submit that Respondent No. 2, under a misconception that she had a right to the property, filed the complaint, which was registered as the impugned FIR and culminated in the chargesheet No. 32 of 2024, registered as RCC No. 222 of 2024, pending before the Learned JMFC, Ulhasnagar, Thane. They submit that the private dispute

between the Petitioners and Respondent No. 2 has been amicably resolved. They submit that Respondent No. 2, who is the Complainant/Informant in the impugned FIR, is not interested in continuing the criminal proceedings and as such, will not support the prosecution's case. They submit that Respondent No. 2 has filed independent Affidavits dated 08.04.2026 and 10.04.2026, respectively, in both these Petitions, stating that the subject matter of the impugned FIR is settled and further giving her no objection to the quashing of the impugned FIR and the criminal proceedings commenced on the basis of her complaint. They therefore request the quashing of the criminal proceedings.

6. Mr. Subhash Jha requests the recording of his statement that the Petitioners in both these petitions have complied with their obligations under the settlement agreed with the Respondent No. 2.

7. Mr. Subhash Jha learned Advocate for the Petitioners relies on the following two decisions of the Hon'ble Supreme Court in support of his request for quashing the criminal proceeding based on settlement between parties :-

- a. Para No. 61 in the case of *Gian Singh vs State of Punjab*¹, which reads as follows:

61. *The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically*

¹ 2012 10 SCC 303
Arjun

private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

- b. Para No. 29 in the case of *Narinder Singh and Ors vs State of Punjab and Anr*² which reads as follows:

29. *In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:*

29.1. *Power conferred under Section 482 of the*

2 2014 6 SCC 466

Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. *When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:*

i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. *Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.*

29.4. *On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.*

29.5. *While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.*

29.6. *Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.*

29.7. *While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the*

circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.

8. Mr. Yogesh Nakhwa, learned APP for the Respondent – State, submits that the subject matter of the impugned FIR, being commenced at the instance of the Respondent No. 2 (Complainant/Informant) and which pertains to a private dispute inter se between the Petitioners and the Respondent No. 2, which is now said to be settled as stated by Mr. Subhash Jha and Mr. Vishal Krishna, Mr. Yogesh Nakhwa learned APP states that the Respondent No. 1- State has no objection for quashing of the impugned FIR and the criminal proceeding arising from it. Mr. Yogesh Nakhwa, however, submits that the Competent Authority is independently looking into the issue pertaining to the said

property, which is the subject matter of this petition. He therefore submits that the settlement of the private dispute between the Petitioners and the Respondent No.2 should not come in the way of any such inquiry, proceedings or investigation which is being conducted by the Competent Authority / Government Agency or any action the Competent Authority / Government Agency may deem fit to take under the provisions of any Statute / Act governing the subject.

9. Mr. Subhash Jha and Mr. Vishal Krishna, on instructions from the Petitioners and the Respondent No.2, state that the settlement between the Petitioners and the Respondent No. 2 is a private dispute inter se between them and the same will neither come in the way of any Competent Authorities / Government Authority conducting any inquiry/investigation under any law in respect of the property which are referred to in this petitions nor will this order be used by the Petitioners or the Respondent No. 2 in any such proceedings. Mr. Yogesh Nakhwa learned that APP insists on taking the said statements made by Mr Subhash Jha and Mr Vishal Krishna on record. Statements made by Mr. Subhash Jha and Mr.

Vishal Krishna on behalf of the Petitioners and the Respondent No. 2 are taken on record.

10. The Petitioners in Writ Petition No. 870 of 2024 are present in Court. Petitioners in Writ Petition (ST) No. 5706 of 2026 appear through V.C. mode. Mr. Subhash Jha states that Petitioner No. 4 in Writ Petition (ST) No. 5706 of 2026 appeared through V.C. however he had to switch off the video as he had to board the Flight. Mr. Subhash Jha identifies all the Petitioners in both these Petitions and tenders photocopies of the Identity Cards of the Petitioners in both these Petitions, same are taken on record and marked “X-Colly” for identification.

11. Sharda Vidya Waghri alias Sharda Narayan Waghela, the Respondent No. 2 in both these Petitions is present in Court and is identified by her Advocate Mr. Vishal Krishna. He submits a photocopy of Respondent No. 2’s identity card, which is taken on record and independently marked as “X-1” for identification in both these Petitions.

12. Mr. Vishal Krishna places the Affidavit dated 08.04.2026 in

Writ Petition No. 870 of 2024 and the Affidavit dated 10.04.2026 in Writ Petition (ST) No. 5706 of 2026, affirmed by the Respondent No. 2 before the Notary Sheena Chetan Patil, Maharashtra, the same are independently marked as “X-2” for identification and separately taken on record in both these Petitions. Mr. Vishal Krishna, learned Advocate for the Respondent No.2, states that the contents of both the Affidavits (X-2) are as per the say of the Respondent No.2. He states that the contents of both the Affidavits (X-2) were read over to the Respondent No.2 by him in Marathi before the Notary and the content of the Affidavit (X-2) being found to be correct Respondent No. 2 has affixed her thumb impression. Mr. Vishal Krishna states that the Respondent No. 2 has given her no objection to quash the impugned FIR and the criminal proceeding arising from it, in her Affidavits (X-2).

13. Respondent No. 2, in the presence of Mr. Subhash Jha, learned Advocate for the Petitioners, Mr. Yogesh Nakhwa, learned APP and Mr. Vishal Krishna, learned Advocate for Respondent No. 2, has made the following statements in Marathi before this court: that the contents of the both the Affidavits (independently marked

X-2 in theses petitions) have been explained to her by her Advocate Mr. Vishal Krishna, in Marathi and that the said contents are true and as per her say: that both the Affidavits (X-2) have been filed out of her own free will and without any pressure or coercion from any person, and she has affixed her thumb impression on the said Affidavits (X-2) before the Notary; that the disputes and differences arising out of a private property matter between her and the Petitioners were out of misunderstanding, which disputes are now amicably resolved and therefore she has no objection to the quashing of the criminal case against all the persons named by her in the impugned FIR; that having settled the matter with the Petitioners, she does not want to continue with the criminal proceedings and that she will not be supporting the prosecution case. She therefore requests the quashing of the criminal proceedings.

14. Mr. Yogesh Nakhwa, learned APP for the Respondent – State, reiterates his no objection to the quashing of the criminal proceedings as recorded hereinabove and submits that a private dispute between two private parties, being taken to the Police

Station, warrants the imposition of costs on the Petitioners and Respondent No. 2.

15. Mr. Subhash Jha and Mr. Vishal Krishna, on instructions from the Petitioners and the Respondent No. 2 in both these Petitions, state that they shall pay appropriate costs.

16. Considering the facts mentioned hereinabove, the submissions made by Mr. Subhash Jha learned Advocate for the Petitioners and Mr. Vishal Krishna learned Advocate for the Respondent No. 2, their specific statements recorded in para 9 hereinabove, the subject dispute between the Petitioners and the Respondent No. 2 being a private dispute between two private parties, the statements made by the Respondent No. 2 (Complainant / Informant) before this Court and in her Affidavits (X-2), the clear statement made by the Respondent No. 2 that she will not support the prosecution case and further the no objection to the quashing of the impugned FIR/Criminal proceedings given by Mr. Yogesh Nakhwa, learned APP for the Respondent – State, no useful purpose would be served in continuing with the criminal proceedings.

17. Having regard to the pronouncements of the Hon'ble Supreme Court in the case of *Gian Singh (supra)*, *Narinder Singh (supra)* and *Parbatbhai Aahir @ Parbatbhai vs The State of Gujarat*³, there is no impediment in allowing these Petitions.

18. In view of the above, Writ Petition No. 870 of 2024 is allowed in terms of prayer clause (a) and Writ Petition (ST) No. 5706 of 2026 is allowed in terms of prayer clause (a), subject to payment of costs of Rs. 25,000/- by each Petitioner in Writ Petition No. 870 of 2024 and each Petitioner in Writ Petition (ST) No. 5706 of 2026. Respondent No. 2 shall pay costs of Rs. 25,000/-. Payment of costs is a condition precedent. Consequently, the impugned FIR and the chargesheet arising out of the impugned FIR are quashed.

19. Each Petitioner shall deposit the cost of Rs. 25,000/- in the account mentioned below within a period of three (3) weeks from today.

3 2017 9 SCC 641

Armed Forces Battle Casualties Welfare Fund	
Account No. :	90552010165915
Bank:	Canara Bank
Branch:	South Block, Defence Headquarters, New Delhi-110 011.
IFSC Code:	CNRB0019055

20. The Respondent No. 2 shall deposit cost of Rs. 25,000/- in the account mentioned below within a period of three (3) weeks from today.

Central Police Welfare Fund	
Director General M. S. Mumbai.	
Account No. :	914010029005759
Bank :	Axis Bank Limited
Branch :	Worli, Mumbai (M.H.), Mumbai – 400 025
IFSC Code :	UTIB0000060

21. The compliance affidavit, along with the proof of deposit, shall be filed by the Petitioners and Respondent No. 2 in both these Petitions in the Registry of this Court on or before 09.06.2026.

22. It is clarified that the quashing of the impugned FIR / the criminal proceedings in these two Petitions is on account of the settlement of a private dispute between the Petitioners and Respondent No. 2, as stated by Mr. Subhash Jha learned Advocate for the Petitioners and Mr. Vishal Krishna learned Advocate for the Respondent No. 2. The Competent Authority/Government Agency/Authority shall be free to look into or investigate any/all matters (in respect of the property/ies which are referred to in the impugned FIR and in the memo of these two Petitions), as permissible in law and in accordance with law. This order shall not be an impediment to any such proceedings or any action, if any, to be taken in such proceedings.

23. Writ Petition No. 870 of 2024 and Writ Petition (ST) No. 5706 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)