

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4721 OF 2024

Avinash Popatrao Joshi And Anr. ... Petitioners

V/S.

The State Of Maharashtra And Anr. ... Respondents

WITH

WRIT PETITION NO. 357 OF 2024

Mona Mukesh Agarwal And Ors. ... Petitioners

V/S.

The State Of Maharashtra And Anr. ... Respondents

Ms. Khushboo Oswal, learned Advocate for the Petitioners in both these Writ Petitions.

Petitioner No. 2 in Writ Petition No. 4721 of 2024 is present in Court.

Petitioner Nos. 1, 2 and 3 in Writ Petition No. 357 of 2024 are present in Court.

Mr. Vinay Bajpai, learned Advocates for the Respondent No. 2 in both these Writ Petitions.

Respondent No. 2 is present in Court.

Mr. Sukanta Karmakar, learned APP for the Respondent – State.

API Ganesh Jadhav, Deccan Police Station, Pune, is present.

CORAM : ASHWIN D. BHOBE, J.

DATE : 7th March, 2026.

P.C. :

1. Ms. Khushboo Oswal, learned Advocate for the Petitioners and Mr. Vinay Bajpai, learned Advocate for the Respondent No. 2

submit that the subject matter of Writ Petition No. 357 of 2024 and Writ Petition No. 4721 of 2024 arise out of the same FIR bearing No. 0139 of 2023 dated 19th August, 2023 registered with Deccan Police Station. (hereafter “impugned FIR) They therefore request for taking up both these Writ Petitions together and disposing of the same by a common order. Mr. Sukanta Karmakar, learned APP does not object to the said request made by the learned Advocates for the parties. In view of the request made by the learned Advocates for the parties, both these Petitions are taken up for together for disposal.

2. Heard Ms. Khushboo Oswal, learned Advocate for the Petitioners, Mr. Sukanta Karmakar, learned APP for the Respondent - State and Mr. Vinay Bajpai, learned Advocate for the Respondent No. 2.

3. Ms. Khushboo Oswal states that the Petitioner No. 1 (Avinash Popatrao Joshi) in Writ Petition No. 4721 of 2024 has expired on 19th September, 2025, as such, she craves leave to delete the Petitioner No. 1 from the array of parties. Ms. Khushboo Oswal tenders the Death Certificate of Petitioner No. 1 dated 26th

September, 2025 issued by the Sub Registrar (Birth and Death) Pune Municipal Corporation Hadapsar Mundhava Ward which records the date of death of the Petitioner No. 1 as 19th September, 2025. Same is taken on record and marked “**A**” for identification. Leave to delete the Petitioner No. 1 in Writ Petition No. 4721 of 2024 granted. Amendment be carried out forthwith.

4. These Petitions under Article 226 of the Constitution of India and 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 are preferred by the Petitioners for quashing of the FIR dated 19.08.2023 bearing No. 0139 of 2023 registered with Deccan Police Station, for offences punishable under Section 420, 406, 409, 465, 467 r/w 34 of the Indian Penal Code, 1860.

5. The sole Petitioner (Shekhar Bagaitkar) in Writ Petition No. 4721 of 2024 is present in Court. Petitioner Nos. 1 to 3 in Writ Petition No. 357 of 2024 are present in Court. Ms. Khushboo Oswal identifies all the Petitioners in both these Petitions and tenders photostat copies of the Identity Cards of the Petitioners. Same are collectively taken on record and marked “**X-Colly**” for identification.

6. Respondent No. 2 in both these Writ Petitions is present in Court and is identified by his Advocate Mr. Vinay Bajpai. He tenders the photostat copy of Identity Card of Respondent No. 2 which is marked as **“X-1”** for identification.

7. Mr. Vinay Bajpai, states that the Affidavits dated 7th March, 2026 affirmed by the Respondent No. 2 before the Notary Shane Cardoz in both these Writ Petitions are placed on record. Same are marked as **“X-2”** for identification in both these Writ Petitions.

8. Respondent No. 2 states that the said Affidavits (X-2) in both these Writ Petitions are filed out of his own free will and without any pressure or coercion from any person. He states that the contents of the Affidavits (X-2) are as per his say. He reiterates his no objection for quashing of the criminal proceedings.

9. Ms. Khushboo Oswal and Mr. Vinay Bajpai submit that the subject matter of the impugned FIR is a private commercial transaction between the Petitioners and the Respondent No. 2. They submit that, in view of the breach of the contractual terms between the Petitioners and the Respondent No. 2, the Respondent

No. 2 filed the complaint on the basis of which the impugned FIR came to be registered. They submit that Civil Suits were filed by the Respondent No. 2 against the Petitioners on the same subject matter seeking recovery of the amount which is referred to in the impugned FIR. They submit that the Civil Suits filed by the Respondent No. 2 against the Petitioners have been withdrawn in view of the compromise arrived between the parties. They submit that the said Civil Suits have been disposed of on 20th February, 2024. They submit that the subject matter of the impugned FIR does not involve any public money or any amount pertaining to public institutions or financial institutions. They therefore request for quashing of the criminal proceedings against the Petitioners.

10. Mr. Sukanta Karmakar, learned APP states that a private commercial dispute was given a criminal flavor and the police machinery was put in action. He however submits that, in view of the Affidavits (X-2) filed by the Respondent No. 2, the statements made therein, with reference to the Civil Suits, the dispute being settled and the no objection, the impugned FIR be quashed. He however insists for imposing exemplary costs on the

Petitioners and Respondent No. 2.

11. Ms. Khushboo Oswal and Mr. Vinay Bajpai on instructions from the Petitioners and the Respondent No. 2 in both these Petitions submit that appropriate cost would be paid.

12. Considering the facts stated herein above, the submissions made by the learned Advocates for the parties, the dispute between the Petitioners and the Respondent No. 2 being purely civil dispute arising from contract, the matter being settled between the Petitioners and the Respondent No. 2, the Civil Suits being disposed of on the basis of compromise and the statements made by the Respondent No. 2 in the Affidavit (X-2), no useful purpose would be served in continuing with the criminal proceedings. Having regards to the pronouncements of the Hon'ble Supreme Court in the case 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 in allowing this Petition.

1 2012 10 SCC 303

2 2014 6 SCC 466

3 2017 9 SCC 641

13. In view of the above, Criminal Writ Petition No. 4721 of 2024 and Criminal Writ Petition No. 357 of 2024 is allowed in terms of prayer clause (I) in both these Petitions subject to payment of costs of Rs. 75000/- (Rs. 25,000/- by the Petitioner in Writ Petition No. 4721 of 2024, Rs. 25,000/- by the Petitioners in Writ Petition No. 357 of 2024) and Rs. 25,000/- by the Respondent No. 2 in both these Petitions as a condition precedent. Consequently, the impugned FIR bearing No. 0139 of 2023 dated 19th August, 2023 registered with Deccan Police Station, Pune is quashed.

14. The Petitioners in Writ Petition No. 4721 of 2024 and Writ Petition No. 357 of 2024 shall deposit a cost of Rs. 50,000/- in the below mentioned accounts of Pune City Police Welfare Fund within a period of two weeks from today.

Pune City Police Welfare Fund	
Bank Name :	State Bank Of India
Account No.:	11099462244
Branch Name :	Treasury Branch, Pune

IFSC Code:-	SBIN0001904
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15. The Respondent No. 2 in both these Petitions shall deposit a cost of Rs. 25,000/- in the below mentioned Account The High Court Employees Medical Welfare Fund at Mumbai of within a period of two weeks from today.

The High Court Employees Medical Welfare Fund at Mumbai	
Account No. :	000120110001337
Bank:	Bank of India
Branch:	Mumbai Main
IFSC Code:	BKID0000001

16. The compliance affidavit along with the proof of deposit be filed by the Petitioners and the Respondent No. 2, respectively in the Registry of this Court on or before 26th March, 2026.

17. Writ Petition No. 4721 of 2024 and Writ Petition No. 357 of

2024 is allowed in above-said terms.

(ASHWIN D. BHOBE, J.)