

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

CRIMINAL WRIT PETITION NO. 1293 OF 2024

Mr. Vishal Avinash Madan & Anr. ... Petitioners.

V/s.

The State of Maharashtra & Anr. ... Respondents.

Mr. S.S. Kharat, a/w. Achal Gupta, Advocate for Petitioners.

Mr. Sukanta Karmakar, APP for Respondent/State.

Mr. Sarvesh Khopkar i/b. Pratap Nimbalkar, Advocate for
Respondent No. 2.

CORAM : ASHWIN D. BHOBE, J.

DATE : 16th JANUARY, 2026.

P.C. :

1. Mr. Kharat, learned Advocate for the Petitioners and
Mr. Khopkar, learned Advocate for the Respondent No. 2 jointly
submits that the subject dispute of the Crime No. 1731 of 2023 has
been amicably resolved between the parties and both the parties
are seeking quashing of FIR by consent.

2. By the present Petition, the Petitioners have sought for the following relief :

“a) that this Hon'ble Court be pleased, by an appropriate order, or order in the nature of a writ, to quash the FIR No. 1731 of 2023 lodged with Bandra Police Station U/s. 406, 448 and 506 of Indian Penal Code, (Exhibit 'A' to the Petition) and the investigation that has proceeded on the basis thereof in the interest of justice;”

3. On 16th April, 2024, this Court had made the following order :

*“1. Not on board. Taken on board.
2. Parties have settled the dispute. FIR was registered for the offences punishable under Sections 406, 448, and 506 of the Indian Penal Code, 1860. The complainant had written letter to the Police stating that the matter has been settled and the complainant intends to withdraw the FIR. Thereafter, the Consent Terms are executed between the parties. However, none appears for Respondent no.2.
3. Issue notice to Respondent No.2 returnable on 19th June, 2024.
4. In the meanwhile, no coercive action shall be initiated against the Petitioners qua the impugned FIR.”*

4. Today Mr. Khopkar, learned Advocate appears on behalf of the Respondent No. 2. He states that the Respondent No. 2 is cancer patient.

5. Mr. Kharat, learned Advocate for the Petitioners state that the Respondent No. 2 has written a letter to the Senior

Inspector of Police, Bandra Police Station, Bandra(West), Mumbai stating that he does not wish to pursue the FIR No. 1731 of 2023 and he would not be aggrieved if the said FIR is quashed. Mr. Kharat, learned Advocate for the Petitioners relies on the declaration dated 14th December, 2023 made by the Respondent No. 2, stating that the Respondent No. 2 has no grievance for quashing the impugned FIR. Letter dated 14.12.2023 and the declaration dated 14.12.2023 are at Exh. D and E (page 41 to 47 of the Petition paper book). Mr. Khopkar states that the document at Exh. D and E are written by the Respondent No. 2 out of his free will and without any pressure from any one.

6. Mr. Kharat, learned Advocate for the Petitioners and Mr. Khopkar, learned Advocate for the Respondent No. 2 jointly states that the dispute between the Petitioners and Respondent No. 2 has been amicably resolved by them and therefore, they pray for quashing of the FIR.

7. Mr. Sukanta Karmakar, learned APP for the State submits that in view of the documents at pages 41 to 47 and the

statement made by Mr. Khopkar, no purpose would be served by continuing the criminal proceedings and therefore, states that the impugned FIR be quashed.

8. Considering the observations made by this Court on 16th April, 2024, the documents at page 41 to 47 and the submissions made by Mr. Kharat, learned Advocate for the Petitioners and Mr. Khopkar, learned Advocate for the Respondent No. 2 as also submissions of the learned APP for the State and having regards to the judicial pronouncement of the Apex Court in *Gian Singh v/s. State of Punjab*¹, there is no impediment in allowing this Petition.

9. Writ Petition No. 1293 of 2024 is therefore allowed in terms of prayer clause (a). Consequently, FIR bearing No. 1731 of 2023 lodged with the Bandra Police Station, Bombay is quashed.

10. There shall be no order as to costs.

(ASHWIN D. BHOBE, J.)

¹(2012) 10 SCC 303