

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

WRIT PETITION NO. 2125 OF 2024

Kamala Landmarc Cars Pvt Ltd. And Anr. ...Petitioners

Versus

The State of Maharashtra And Anr. ...Respondents

Mr. Murtaza Najmi a/w Mr. Dilip H. Shukla, Ms. Nancy, Mr. Kashish M. Singhi, Mr. Shaikh Faizan & Ms. Sujata Bule, learned Advocates for the Petitioners.

Petitioners are present in the Court.

Mr. Prasanna P. Malshe, learned A.P.P. for the State/Respondent.

Ms. Davinder Kaur Sabharwal, learned Advocate for Respondent No. 2.

Respondent No. 2 is appearing through VC.

CORAM : ASHWIN D. BHOBE, J.

DATE : 17th FEBRUARY 2026.

P.C. :

1. Heard Mr. Murtaza Najmi, learned Advocate for the Petitioners, Mr. Prasanna Malshe, learned A.P.P. for the State/Respondent and Ms. Davinder Sabharwal, learned Advocate for Respondent No. 2.

2. This Petition is preferred by the Petitioners under Article 226 of the Constitution of India and under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing of the First Information Report bearing No. 32 of 2016 dated 21.01.2016 registered with Borivali Police Station, Mumbai for the offences punishable under Sections 406 & 420 read with Section 34 of the

Indian Penal Code, 1860 (re-numbered as FIR No. 5 of 2023 dated 03.02.2023 transferred to Economic Offences Wing, Mumbai) and the charge-sheet bearing Criminal Case No. 376/PW/2023 pending before the learned Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai, arising out of the said FIR.

3. Mr. Jitendra Jain, the Director of Petitioner No. 1 Company & Petitioner No. 2 are present in the Court along with their Advocate Mr. Murtaza Najmi. Both the Petitioners are identified by Advocate Mr. Murtaza Najmi. Mr. Murtaza Najmi tenders photostat copies of Aadhar Cards of the Director of Petitioner No. 1 Company & Petitioner No. 2 as photo identity proof and photostat copy of the Certificate of Incorporation of Petitioner No. 1 Company. The same are taken on record and marked as “**X Colly.**” for identification.

4. Respondent No. 2, appears through Video Conference as she has medical conditions resulting in difficulties to travel out of her house, as stated by her Advocate Ms. Davinder Sabharwal. Ms. Davinder Sabharwal identifies Respondent No. 2 and tenders photostat copy of Aadhar Card of Respondent No. 2 as photo identity proof, which is taken on record and marked as “**X-1**” for identification.

5. Ms. Davinder Sabharwal tenders an Affidavit dated 18.12.2025 affirmed by Respondent No. 2 before the Notary Advocate Mr. Tribhuwanth N. Sharma, Mumbai. Same is taken on record and marked as “**X-2**” for identification. Respondent No. 2 appearing through Video Conference, states that she has filed the said Affidavit dated 18.12.2025 (X-2) out of her own free will and

without any pressure, force or coercion from any person. She states that the contents of Affidavit (X-2) are as per her say. She reiterates that the dispute between her and the Petitioners is amicably resolved, as such she gives No Objection for quashing of the criminal proceedings initiated at her instance.

6. Mr. Murtaza Najmi and Ms. Davinder Sabharwal relying on the Affidavit (X-2) filed by Respondent No. 2 submit that the commercial dispute between the Petitioners and Respondent No. 2 is amicably resolved. They submit that the Petitioners and Respondent No. 2 have resolved the entire controversy/dispute and therefore, Respondent No. 2 has agreed to withdraw all criminal proceedings filed by her against the Petitioners. They therefore request that the criminal proceedings may not be continued and the same be quashed.

7. Mr. Prasanna Malshe, learned A.P.P. for the State/Respondent states that a purely commercial transaction was given a cloak of criminal proceedings and the police machinery was used to settle this dispute. He submits that though the police machinery was put in action on the basis of the complaint filed by Respondent No. 2, however Petitioners and Respondent No. 2 having now resolved their dispute and Respondent No. 2 giving her No Objection for quashing of the criminal proceedings read with her statements in the Affidavit (X-2), no purpose would be served by continuing with the criminal proceedings. He therefore submits that the impugned FIR and the criminal proceedings arising out of the impugned FIR be quashed.

8. Considering the facts as placed before me, the nature of dispute, the matter being amicably settled between the Petitioners and Respondent No. 2, the statements made on oath by Respondent No. 2 (Affidavit at X-2) and having regards to the pronouncements of the Hon'ble Supreme Court in the cases of *Gian Singh v/s. The State of Punjab and Another*¹, *Narinder Singh and Others v/s. State of Punjab and Another*² and *Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.*³, there is no impediment in allowing this Criminal Writ Petition.

9. In view of the above, Criminal Writ Petition is allowed in terms of prayer clause (a). Consequently, the impugned FIR bearing No. 32 of 2016 dated 21.01.2016 registered with Borivali Police Station, Mumbai for the offences punishable under Sections 406 & 420 read with Section 34 of the Indian Penal Code, 1860 (re-numbered as FIR No. 5 of 2023 dated 03.02.2023 transferred to Economic Offences Wing, Mumbai) and the subsequent charge-sheet bearing Criminal Case No. 376/PW/2023 pending before the learned Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai, arising out of the impugned FIR, are quashed. Criminal proceedings against the Petitioners arising out of the impugned FIR and the charge-sheet are closed.

10. Criminal Writ Petition No. 2125 of 2024 is disposed of. No order as to costs.

[ASHWIN D. BHOBE, J.]