

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4617 OF 2024

Raghu Rai.

... Petitioner.

V/s.

The State of Maharashtra & Anr.

... Respondents.

Mrs. Manjula Rao, Senior Advocate a/w. Mr. Rohan Deshmukh & Mr. Atharva Dere, Advocate for Petitioner.

Mr. Kiran Shinde, APP for Respondent/State.

Mr. M.M. Vashi, Senior Advocate a/w. Jaineel Vashi i/b. M.P. Vashi & Associates, Advocate for Respondent No. 2.

CORAM : ASHWIN D. BHOBE, J.

DATE : 30th JANUARY, 2026.

P.C. :

1. This Petition under Article 226 of the Constitution of India and Section 482 of the Criminal Procedure Code, 1973, is preferred against FIR bearing No. 69 of 2007 dated 9th March, 2007 registered at Samaj Seva Shakha, Azad Maidan Police Station, Mumbai and charge-sheet bearing C.C. No. 72/PS/2008 (re-registered as registered as PS/3276 of 2021) pending before the Addl. Chief Metropolitan Magistrate, 54th Court, Sewree, Mumbai arising out of said FIR.

2. Petitioner who appears through V.C. mode is identified by Mrs. Manjula Rao, Senior Advocate representing him. She tenders the photostat copy of the photo identity card of the Petitioner which is taken on record and marked as “X” for identification. Ms. Manjula Rao, learned Senior Advocate submits that the Petitioner is suffering from cancer.

3. Respondent No. 2 is present in the Court alongwith her Senior Advocate Mr. M.M. Vashi.

4. Mr. M.M. Vashi, learned Senior Advocate for the Respondent No. 2 submits that the Petitioner being a senior citizen who is suffering from ailments, the Respondent No. 2 has taken a conscious decision on compassionate ground to settle the matter with the Petitioner. He on instructions submits that Respondent No. 2 consents to quashing of the criminal proceedings initiated on the basis of her complaint.

5. Mr. M.M. Vashi, learned Senior Advocate tenders affidavit affirmed by Respondent No. 2 before the Notary S.N. Dange, on 30.1.2026 alongwith her photo identity card, same are

taken on record and marked “X-1” for identification. Respondent No. 2 (Pratibha Naithani) states that she has filed the affidavit out of her free will and without pressure and coercion from any person. She states that contents of Affidavit (“X-1”) are as per her say.

6. Mrs. Manjula Rao, Senior Advocate, learned Senior Advocate relying on the Affidavit (“X-1”) submits that criminal proceedings against the Petitioner be quashed.

7. Mr. Kiran Shinde, learned APP submits that no purpose would be served in continuing the criminal proceedings considering the reasons put forth by the Petitioner and the Respondent No. 2 to settle the dispute and the statements made by the Respondent No. 2 in affidavit (“X-1”). He submits that the FIR and the criminal proceeding against the Petitioner can be quashed.

8. Considering the above said circumstance, the nature of dispute, the statements made by the Respondent No. 2 in her Affidavit (“X-1”) and having regards to the judicial

pronouncements in the case of *Gian Singh v. State of Punjab*¹ and *Narinder Singh & ors v. State of Madhya Pradesh*² and in *Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.*³, there is no impediment in allowing this Petition. I therefore deem it fit and proper to exercise the power under Section 528 of BNSS and quash the criminal proceedings.

9. This Petition is allowed in terms of prayer clause (a) and (b). Consequently, the FIR No. 69 of 2007 registered with Samaj Seva Shakha, Azad Maidan Police Station, Mumbai and charge-sheet bearing C.C. No. 72/PS/2008 (re-registered as registered as PS/3276 of 2021) pending before the Court of Addl. Chief Metropolitan Magistrate, 54th Court, Sewree, Mumbai are quashed.

10. There shall be no order as to costs.

(ASHWIN D. BHOBE, J.)

1. (2012) 10 SCC 303.
 2. 2025 SCC Online SC 466
 3. (2017) 9 SCC 641.