

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

WRIT PETITION NO. 5440 OF 2024

Alok Ranjan Kripashankar Tiwari And Anr. ...Petitioners

Versus

The State of Maharashtra And Anr. ...Respondents

Mr. Dhananjay Kandharkar a/w Mr. Amrendra Sinha & Ms. Shriya Kandharkar, learned Advocates for the Petitioners.

Both the Petitioners are present in the Court.

Ms. Pallavi N. Dabholkar, learned A.P.P. for the State/Respondent.

Mr. Viraj Chavan, learned Advocate for Respondent No. 2.

Respondent No. 2 is present in the Court.

PI Mr. Kakade attached to DCB CID-11, Kandivali is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 23rd JANUARY 2026.

P.C. :

1. Heard Mr. Dhananjay Kandharkar, learned Advocate for the Petitioners, Ms. Pallavi Dabholkar, learned A.P.P. for the State/Respondent and Mr. Viraj Chavan, learned Advocate for Respondent No. 2.

2. At the outset, Mr. Dhananjay Kandharkar, learned Advocate for the Petitioners craves leave to amend the prayer clause of this Petition to incorporate the details of charge-sheet. Ms. Pallavi Dabholkar, learned A.P.P. for the State/Respondent No. 1 and Mr. Viraj Chavan, learned Advocate for Respondent No. 2 do not object for grant of the request made by Mr. Dhananjay Kandharkar. Leave

to amend is granted. Amendment to be carried out forthwith.

3. 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. 1064 of 2022 dated 09.12.2022 registered with DCB-CID Branch at Goregaon Police Station, Mumbai for the offences punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860 and the charge-sheet bearing C.C. No. 313/PW/2023 pending before 37th Court at Esplanade, Mumbai, arising out of the said FIR.

4. Petitioners are present in the Court along with their Advocate Mr. Dhananjay Kandharkar. Respondent No. 2 is present along with his Advocate Mr. Viraj Chavan. Mr. Dhananjay Kandharkar and Mr. Viraj Chavan submit that dispute between Petitioners and Respondent No. 2 is amicably resolved, as such Respondent No. 2 has given his No Objection for quashing of the criminal proceedings initiated at his instance. They therefore submit that the criminal proceedings against the Petitioners be quashed.

5. Mr. Viraj Chavan tenders Affidavit dated 02.12.2025 affirmed by Respondent No. 2 before the Notary Advocate Mr. Shane Cardoz along with Consent Terms and the photostat copy of Aadhar Card of Respondent No. 2 as identity proof. Same are taken on record and marked as “**X Colly.**” for identification. Respondent No. 2, who is present in the Court, states that he has filed the said Affidavit dated 02.12.2025 (X Colly.) out of his own free will and without any pressure, force or coercion from any person. He states that the

contents of Affidavit dated 02.12.2025 (X Colly.) are as per his say. He reiterates that the dispute between him and the Petitioners is amicably resolved, as such he gives No Objection for quashing of the criminal proceedings.

6. Ms. Pallavi Dabholkar, learned A.P.P. for the State/Respondent submits that in view of the statements made by Respondent No. 2 of the matter being settled, his statements in the Affidavit dated 02.12.2025 and the documents tendered along with said Affidavit, no purpose would be served by continuing with the criminal proceedings. She therefore submits that the impugned FIR and the charge-sheet be quashed.

7. Having regards to the facts as placed before me, the nature of dispute, the amicable settlement arrived between the parties, the statements made on oath by Respondent No. 2 (Affidavit dated 02.12.2025) and having regards to the judicial pronouncements by 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 to allow this Petition and to quash the criminal proceedings.

8. In view of the above, Petition is allowed in terms of prayer clause (a). Consequently, FIR bearing No. 1064 of 2022 dated 09.12.2022 registered with DCB-CID Branch at Goregaon Police Station, Mumbai for the offence punishable under Section 420 read

1. (2012)10 Supreme Court Cases 303.

2. (2014)6 Supreme Court Cases 466.

3. (2017) 9 SCC 641.

with Section 34 of the Indian Penal Code, 1860 and the subsequent charge-sheet bearing C.C. No. 313/PW/2023 pending before 37th Court at Esplanade, Mumbai, are quashed. Criminal proceedings against the Petitioners arising out of the said FIR and the charge-sheet are closed.

9. Criminal Writ Petition No. 5440 of 2024 is disposed of. No order as to costs.

[ASHWIN D. BHOBE, J.]

GITALAXMI
KRISHNA
KOTAWADEKAR

Digitally signed
by GITALAXMI
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Date:
2026.02.09
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