

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

**CRIMINAL WRIT PETITION NO.253 OF 2025**

Balaji Krishnammagaru : Petitioner.  
Versus  
State of Maharashtra and anr. : Respondents.

**WITH  
CRIMINAL WRIT PETITION NO.1063 OF 2025**

Puneet Gurnani : Petitioner.  
Versus  
State of Maharashtra and anr. : Respondents.

**WITH  
CRIMINAL WRIT PETITION NO. 1111 OF 2025**

Shiva Sankalp Kistchloo : Petitioner.  
Versus  
State of Maharashtra and anr. : Respondents.

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Mr. Siddharth Pimpale and Mr. Prashant Bothre i/by PAN  
India Legal Services LLP for the Petitioners in all WPs.  
Mr. V B Konde-Deshmukh, APP, for the Respondent/State.  
Ms. Namrata Shenoy for the Respondent No.2 in all WPs.  
API Vasant Patil, EOW Thane present. ,

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**CORAM : ASHWIN D. BHOBE, J.**

**DATED : 02 APRIL 2026**

**PC:-**

1. Mr. Siddharth Pimpale, learned Advocate for the Petitioners, Mr. V B Konde-Deshmukh, learned APP for the Respondent/State and Ms. Namrata Shenoy, learned Advocate for Respondent No.2, submit that the subject matter of all three Petitions arises from FIR bearing No.1097 of 2024 registered with Naupada Police Station, Thane. They state that Respondent No.2 is the Complainant, while the Petitioners are the Accused. Hence, they request that these Petitions be taken up together and disposed of by a common order. At the request of the parties, these Petitions are being considered together and disposed of by this common order.

2. These Petitions under Article 226 of the Constitution of India and under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 are filed by the Petitioners for quashing the FIR bearing No.1097 of 2024 registered with Naupada Police Station (Impugned FIR).

3. Mr. Siddharath Pimpale, learned Advocate for the Petitioners and Ms. Namrata Shenoy, learned Advocate for Respondent No. 2, submit that the subject matter of the impugned FIR is a private commercial dispute between the Petitioners on one side and Respondent No. 2 on the other, which arose from a private contract. They submit that the commercial dispute gave rise to arbitration proceedings. They submit that during the pendency of these arbitration proceedings, the Petitioners and Respondent No. 2 amicably resolved the dispute. They submit that, because of this

settlement, the arbitration proceedings were terminated. They tender a copy of the “Second Procedural Order dated 5<sup>th</sup> January 2026”, passed by the Arbitral Tribunal of Sole Arbitrator Hon’ble Justice Hima Kohli (Former Judge, Supreme Court of India), which is taken on record and marked with “A” for identification. They submit that the subject matter of the impugned FIR was also the subject matter of the arbitration proceedings. They submit that the subject matter of the present Petitions does not involve any public funds or amounts related to a public institution or authority. Based on the settlement between the parties, they request that the impugned FIR be quashed.

4. Mr. Siddharth Pimpale, learned Advocate for the Petitioners, submits that Puneet Gurnani (Accused No.1) is currently in California, USA, Balaji Krishnammagaru (Accused No.2) is in Bangalore, Karnataka, and Shiva Kitchloo (Accused No.3) is in Mohali, Punjab. He therefore requests an exemption from their personal appearance in court. Mr V. B. Konde-Deshmukh, learned APP for the Respondent/State, states that the matter between the parties being amicably settled and since Respondent No.2 ( Complainant) is present in Court, exemption from physical appearance in court to the Petitioners can be granted. Mr. Siddharth Pimpale, learned Advocate for the Petitioners, identifies the Petitioners appearing through V.C. mode and tenders photocopies of each of the Petitioners’ Identity Cards, which are taken on record and marked as “X colly” for identification.

5. Respondent No.2 is present in the court and is identified by her advocate Ms. Namrata Shenoy. She submits a photocopy of Respondent No.2's identity card, which is taken on record and marked as "X-1" for identification. Ms. Namrata Shenoy, learned Advocate for the Respondent No.2 on instructions from the Respondent No.2, confirms the identity of the Petitioners appearing through V.C.mode.

6. Ms. Namrata Shenoy, learned Advocate for Respondent No.2, states that the separate Affidavits dated 30 March 2026, affirmed by Respondent No.2 before Notary S K Singh, Mumbai, are placed on record in each Petition. The same are marked as "X-2" for identification in each petition.

7. Respondent No. 2 states that the said Affidavit/s (X-2) is filed of his own free will and without any pressure or coercion from any person. He states that the contents of the Affidavit (X-2) are as per his own statement. He states that the commercial dispute with the Petitioners, which is the subject matter of the impugned FIR, was amicably settled between him and the Petitioners during the pendency of the Arbitral Tribunal comprising of the Sole Arbitrator, Hon'ble Justice Hima Kohli (Former Judge, Supreme Court of India). He reiterates that in view of the settlement, he has no objection to the quashing of the impugned FIR / criminal proceedings. Respondent No. 2 states that he is not interested in continuing the criminal proceedings and wishes to have them terminated.

8. Mr. V B Konde-Deshmukh, learned APP for the Respondent/State, submits that since the parties have amicably resolved their contractual and commercial dispute, he has no objection to quashing the impugned FIR. However, he strongly urges the imposition of exemplary costs on the parties for turning a straightforward commercial dispute into a criminal matter and for utilising police machinery to settle it.

9. Mr. Siddharth Pimpale, learned Advocate for the Petitioners and Ms. Namrata Shenoy, learned Advocate for Respondent No.2, on instructions, submit that appropriate costs will be paid.

10. Considering the facts mentioned above, the submissions of the learned Advocates for the parties, the subject matter of the impugned FIR being a commercial dispute between the parties, which was apparently subject matter of arbitration proceedings which is now resolved in view of the settlement, as submitted by Mr. Siddharth Pimpale and Ms. Namrata Shenoy, the Respondent No.2 giving his no objection in an affidavit (X-2) and the statements made by Respondent No.2 before the court, no useful purpose will be served by allowing the criminal prosecution to continue. Having regard to the pronouncements of the Hon'ble Supreme Court in *Gian Singh vs State of Punjab*<sup>1</sup>, *Narinder Singh and Ors vs State of Punjab*

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<sup>1</sup> 2012 10 SCC 303

*and Anr<sup>2</sup> and Parbatbhai Aahir @ Parbatbhai vs The State of Gujarat<sup>3</sup>*, there is no impediment in allowing this Application.

11. In view of the above, these Criminal Writ Petitions are allowed in terms of prayer clause (B), subject to payment of costs of Rs. 1,00,000/- by each of the Petitioners and Rs. 1,00,000/- by the Respondent No.2. Payment of costs is a condition precedent. Consequently, the impugned FIR and is quashed.

12. The Petitioners and the Respondent No.2 shall deposit their respective costs in the below-mentioned Account within a period of three weeks from today and file in the Registry of this Court the compliance affidavit along with the proof of deposit on or before 27<sup>th</sup> April 2026.

a] Each of the Petitioners shall deposit the amount Rs.1,00,000/- in :-

**High Court Law Library**

Bank : State Bank of India  
Branch : Mumbai Main Branch  
Account No.: 10996686636  
IFS Code : SBIN0000300

b] The Respondent No.2 shall deposit the amount of Rs.1,00,000/- in :-

**Central Police Welfare Fund**  
**Director General MS Mumbai**

<sup>2</sup> 2014 6 SCC 466

<sup>3</sup> 2017 9 SCC 641

Account No: 914010029005759

Bank : Axis Bank Limited

Branch : Worli, Mumbai (M.H.), Mumbai - 400 025

IFSC Code: UTIB0000060

**13.** The Writ Petition Nos. 253 of 2025, 1063 of 2025 and 1111 of 2025 are disposed of.

**(ASHWIN D. BHOBE, J.)**