

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

CRIMINAL WRIT PETITION NO.931 OF 2026

Girish Narayan Pawar and ors. : Petitioners
Versus
State of Maharashtra and anr. : Respondents.

Mr. Sunny Punamiya a/w Mr. Tejas Vijakumar Dhotre, Adv.
Vinod Parekh and Mr. Kunal Gidwani for the Petitioners.
Mr. Tanveer Khan, APP for the Respondent/State.
Mr. Sandesh Shukla a/w Mr. Vivek Patil, Afsar Ansari i/by Adv.
S. R. Venunath for the Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 10 MARCH 2026

PC:-

1. Heard Mr. Sunny Punamiya, learned Advocate for the Petitioners, Mr. Tanveer Khan, learned APP for the Respondent/State and Mr. Sandesh Shukla, learned Advocate for Respondent No.2.

2. This Petition under Article 226 of the Constitution of India and under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is preferred by the Petitioners for quashing the FIR bearing No.0367 of 2025 dated 27 October 2025

registered with Satpur Police Station, Nashik City (impugned FIR) for the offences punishable under Sections 316(5), 318(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Petitioner Nos. 1, 2 and 6 are present in Court and Petitioner Nos. 3, 4 and 5 appear through V.C. and are identified by their Advocate Mr. Sunny Punamiya. He tenders the Photostat copies of the six Identity Cards of the Petitioners, which are taken on record and marked as “**X-Colly**” for identification.

4. Respondent No.2 is present in the Court and is identified by his Advocate Mr. Sandesh Shukla. He tenders the Photostat copy of Identity Card of Respondent No.2, which is taken on record and marked as “**X-1**” for identification.

5. Mr. Sandesh Shukla, states that the Affidavit dated 03 February 2026 affirmed by Respondent No.2 before the Notary T C Kaushik is placed on record, the same is marked as “**X-2**” for identification.

6. Respondent No. 2 states that the said Affidavit (X-2) is filed out 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 say. He reiterates his no objection for quashing of the criminal proceedings.

7. Mr.Sunny Punamiya and Mr. Sandesh Shukla, submit that the subject matter of the impugned FIR is a private commercial dispute. They submit that the Petitioners had

transferred the amounts in the account of the company N V Autospares Pvt. Ltd. in which the Respondent No.2 is a Director, for the purpose of purchase of shares. The dispute arose in view of the non-performance of the said commercial contract, which led to the Respondent No.2 in filing the complaint on the basis of which the impugned FIR came to be registered. They submit that the parties have amicably resolved the matter by executing the Consent Terms dated 26 December 2025 and have settled the entire commercial dispute amongst themselves. They refer to paragraphs 6, 7, 8, and 9 of the Affidavit (x-2) of the Respondent No.2 which state the settlement terms and the mode and the manner of the settlement. They submit that the subject matter of the impugned FIR does not pertain to the public amount, financial institution or any public fund. They, therefore, submit that the impugned FIR be quashed.

8. Mr. Tanveer Khan, learned APP for the Respondent/State submits that a private commercial dispute was given a cloak of criminal flavour and police machinery was set on motion. He, however, submits that the parties having settled the said private commercial dispute, and the statements made by the Respondent No.2 in the Affidavit (X-2), he has no objection for quashing of the impugned FIR. He, however, insists for imposition of exemplary costs.

9. Mr. Sunny Punamiya and Mr. Sandesh Shukla, on instructions, submits that the Petitioners and the Respondent No.2 shall deposit appropriate costs.

10. Considering the above said facts, the submissions made Mr. Sunny Punamiya and Mr. Sandesh Shukla, the dispute being in the nature of private commercial transaction between the Petitioners and the Respondent No.2, the parties having amicably resolved the said commercial dispute, the Respondent No.2 having given no objection for quashing of the impugned FIR, no useful purpose will be served by allowing the criminal prosecution to continue. Having regards to the pronouncements of the Hon'ble Supreme Court in the case of *Gian Singh vs State Of Punjab*¹, *Narinder Singh And Ors vs State Of Punjab And Anr*², and *Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat*³, there is no impediment in allowing this Writ Petition.

11. In view of the above, Criminal Writ Petition No.931 of 2026 is allowed in terms of prayer clause (a) subject to payment of costs of Rs.7,00,000/- (i.e. Rs.1,00,000/- by each of the Petitioners and Rs.1,00,000/- by the Respondent No.2as a condition precedent. Consequently, the impugned FIR is quashed.

12. The Petitioners and the Respondent No.2 shall deposit their respective costs in the below mentioned Account within

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

a period of two weeks from today and file in the Registry of this Court the compliance affidavit along with the proof of deposit on or before 30 March 2026.

a] Each of the Petitioners shall deposit amount of Rs.1,00,000/- (total Rs.6,00,000/-) in:-

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID00000001

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

Central Police Welfare Fund

Director General MS Mumbai

Account No: 914010029005759

Bank : Axis Bank Limited

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

13. The Writ Petition No.931 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)