

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.6502 OF 2025

Jitendra Vedprakash Puri and Anr. ... Petitioners

Versus.

State Of Maharashtra And Anr. ... Respondents

Mr. Kuldeep V. Nikam, Advocate for the Petitioners.

Mr. Om Latpate, Advocate for Respondent No.2.

Ms. A. S. Gotad, APP for Respondent No.1-State

API Ratna Chaudhari, Hinjewadi Police Station, Pune is present.

CORAM : ASHWIN D. BHOBE, J.

DATED : 6th April 2026

P.C.:

1. Heard Mr. Kuldeep Nikam, learned Advocate for the Petitioners, Mrs. A. S. Gotad, learned APP for Respondent No.1-State and Mr. Om Latpate, learned Advocate for Respondent No.2.

2. At the outset, Mr. Kuldeep Nikam, learned Advocate for the Petitioners, submits that the prayer clause needs to be amended in light of a new number being allotted to the charge-sheet. Mr. Om Latpate, learned Advocate for Respondent No.2 and Ms. A. S. Gotad, learned APP for the State, do not object to the request made by Mr. Kuldeep Nikam, learned Advocate for the Petitioners. In view of the no objection, leave to amend granted. Mr. Kuldeep Nikam, learned Advocate for the

Petitioners, states that the amendment would be carried out forthwith. Permission granted.

3. This Petition under Article 226 of the Constitution of India and Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023, is filed by the Petitioners to quash the FIR bearing C.R. No.242 of 2021 (impugned FIR), registered with Hinjewadi Police Station for offences punishable under Sections 406, 420, and 34 of the Indian Penal Code or BSN, as well as the charge-sheet bearing R.C.C. No.3879 of 2025, arising out of the impugned FIR.

4. Mr. Kuldeep Nikam, learned Advocate for the Petitioners and Mr. Om Latpate, learned Advocate for Respondent No.2, submit that the subject matter of the impugned FIR arises from a private commercial dispute between the Petitioners and Respondent No.2. They submit that the dispute pertains to an investment made by Respondent No.2 in a partnership firm of which the Petitioners were partners. They submit that disagreements over financial transactions and business returns led to a dispute among them, prompting Respondent No.2 to file a complaint that resulted in the impugned FIR. They add that this dispute was also the subject of SCC No. 5446 of 2020 before the Court of the Judicial Magistrate First Class, Pimpri, arising out of Section 138 of the NI Act proceedings. To clarify, they mention that the Petitioners had

issued a cheque as part payment of the amounts owed to Respondent No.2, which returned dishonoured. They submit that the consent terms filed in that proceeding are pending the fulfilment of certain conditions, which Mr. Kuldeep Nikam, on instructions, states will be complied with, within the agreed timeframe. They submit that the commercial dispute between the Petitioners and Respondent No. 2 has been resolved through an amicable settlement. They submit that Respondent No. 2 has filed his Affidavit dated 09 December 2025, conveying no objection to the quashing of both the impugned FIR and the resulting charge-sheet. They state that the subject matter of this petition does not involve any public fund or funds of any public authority or financial institution. Therefore, they request that the impugned FIR and the charge-sheet bearing RCC No.3879 of 2025 be quashed.

5. The Petitioners are present in court and are identified by their Advocate Kuldeep Nikam. He submits photocopies of the Petitioners' Identity Cards, which are taken on record and marked as "**X-Colly**" for identification.

6. Respondent No.2 is present in the Court and is identified by his Advocate, Mr. Om Latpate. He submits a photocopy of Respondent No.2's Identity Card, which is taken on record and marked as "**X-1**" for identification.

7. Mr. Om Latpate, learned Advocate for the Respondent No.2, states that the Affidavit dated 09 December 2025, affirmed by Respondent No.2 before the Notary Snehal C Sawant, Fort, Mumbai, is placed on record, the same is marked as “X-2” for identification.

8. The Respondent No.2 states that the commercial dispute between him and the Petitioners has been amicably resolved. He states that, due to the resolution of the dispute, he does not intend to continue with the criminal proceedings and seeks to bring them to an end. He affirms that the said Affidavit (X-2) is filed voluntarily and without any pressure or coercion from anyone. He states that the contents of the Affidavit (X-2) are true to his knowledge. He reaffirms his no objection to the quashing of the criminal proceedings. He relies on Paragraph Nos. 5 to 11, which are transcribed below verbatim:-

“5. I further categorically say that that the parties have entered into an amicable Settlement and have accordingly filed their memorandum of compromise before the Ld. Judicial Magistrate First Class, at Pimpri in S.C.C. No.5446 of 2020. The said memorandum of Compromise states that the Orig. Petitioners/Accused herein have agreed to repay an Amount of Rs.30,00,000/- (Rs. Thirty Lakhs) to the Complainant/Respondent No.2 herein towards the full and final settlement of the controversies involved between the parties. That accordingly a consent terms dated 23/09/2025 are duly filed before Ld. Judicial Magistrate First Class,

Pimpri in S.C.C. No.5446 of 2020.

6. *I say that vide the aforesaid consent terms it is further agreed that the Complainant/Respondent No.2 herein will be filing an Appropriate Application before this Hon'ble High Court thereby seeking withdrawal of amount to the tune of Rs.19,00,000/- (Rupees Nineteen Lakhs), deposited by the Orig. Applicants in Anticipatory Bail Application No.1398 of 2021 in this Hon'ble High Court pursuant to Order dated 15/12/2022. That it is further agreed that the Accused/Petitioners will not object to the said Application if filed by the Complainant for withdrawal of the said amount. That Accordingly, Interim Application (ST) No.24689 of 2025 is duly filed in Anticipatory Bail Application No.1398 of 2021 before this Hon'ble High Court.*

7. *I say that it is further agreed between the parties vide said consent terms that the parties will be filing present Criminal Writ Petition before this Hon'ble High Court thereby seeking Quashing of the FIR bearing No.242 of 2021 lodged with Hinjewadi Police Station, Pune and that the Complainant/Respondent No.2 herein will be filing present Consent Affidavit thereby giving No-objection for Quashing of the present FIR. It is further agreed between the parties that within 15 days from the final order of the said Quashing Petition, the Orig. Petitioners/ Accused shall pay an Amount of Rs.11,00,000/-(Rupees Eleven Lakhs) by way of Demand Draft before the Ld. JMFC in R.C.C. No.1148 of 2023 to the Complainant.*

8. *I say that accordingly, the parties have decided to part their ways gracefully and that they do not wish to make any allegations against each other and have mutually decided to dissolve their disputes by filing the aforesaid compromise terms.*

9. *I say that pendency of the present FIR and the investigation/proceedings in respect of the said FIR would certainly be an impediment in living*

our life respectively and the same would be an embarrassing circumstance for our families.

10. I say that in the circumstances mentioned above, I withdraw all my allegations as mentioned in the said FIR against the present Petitioners. I do not have any objection if the said FIR bearing C.R. No.242 of 2021 registered with Hinjewadi Police Station, Pune along with Chargesheet filed in R.C.C. No.1148 of 2023 is quashed and set aside.

11. I say that in the circumstances mentioned above, I do not have any objection if the present Writ Petition is entirely allowed and the present FIR is quashed and set aside. I do not have any objection if the prayers prayed by the Petitioners in the present Writ Petition are allowed by this Hon'ble Court".

9. Ms. A. S. Gotad, learned APP for Respondent No.1-State, submits that a private commercial transaction was given a criminal flavour. She submits that the Petitioners, as well as Respondent No.2 have unnecessarily invoked the police machinery to settle the commercial dispute. However, she states that in view of the amicable resolution of the commercial disputes between the parties and the statements in the Affidavit (X-2), she has no objection to the quashing of the impugned FIR as well as the charge-sheet arising out of it. However, she insists on imposing exemplary costs on the parties.

10. Mr. Kuldeep Nikam and Mr. Om Latpate, learned Advocates, on instructions from the Petitioners and the Respondent No. 2, submit that

appropriate costs would be paid.

11. Considering the facts mentioned above, the submissions made by the learned Advocates, the nature of the dispute being primarily civil, specifically a commercial dispute between two parties, the statements made by Respondent No.2 in his Affidavit (X2) and the no objection given by Respondent No.2 for quashing the impugned FIR and charge-sheet, no useful purpose would be served by continuing the criminal proceedings. Having regard to the pronouncements of the *Hon'ble Supreme Court in 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 Petition.

12. In view of the above, Writ Petition No.6502 of 2025 is allowed in terms of prayer clause (a), subject to payment of costs of Rs. 100,000/- by Petitioners and Rs. 50,000/- by the Respondent No.2. Payment of costs is a condition precedent. Consequently, the impugned FIR and the charge-sheet arising out of it are quashed.

13. The Petitioners and the Respondent No.2 shall deposit their respective costs in the below-mentioned Accounts 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 30th

1 2012 10 SCC 303

2 2014 6 SCC 466

3 2017 9 SCC 641

April, 2026 :-

Account Name: BCMG'S Advocate Academy & Research Center.

Account Number : 000120110001327

Bank Name : Bank of India

Branch Name : Mumbai Main Branch

IFS Code : BKID00000001

Type of Account : Current Account

14. Writ Petition No.6502 of 2025 is disposed of.

(ASHWIN D. BHOBE, J.)