

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 6602 OF 2025**

Gaurav Pralhad Pawar

... Petitioner

Versus.

State Of Maharashtra And Anr.

... Respondents

Ms. Abhilasha Pawar i/b Amit Icham, for the Petitioner.

Mr. Aashish Pawar a/w Dhiraj Bodke, for the Respondent No. 2

Mrs. Poonam Bhosale, APP for the Respondent – State.

PSI Rushikesh Kalwaghe, Pairavi Officer, Malabar Hill Police Station, is present.

CORAM : ASHWIN D. BHOBE, J.

DATE : 22nd April, 2026.

P.C. :

1. Heard Ms. Abhilasha Pawar learned Advocate for the Petitioner, Mrs. Poonam Bhosale learned APP for the Respondent – State and Mr. Aashish Pawar learned Advocate for the Respondent No. 2.

2. This Petition under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is filed by the Petitioners seeking to quash FIR No. 452 of 2025, dated 17.11.2025, registered with Malabar Hill Police Station (hereafter “impugned FIR”),

for offences punishable under Sections 316(5) and 318(4) of the Bharatiya Nyaya Sanhita, 2023.

3. Ms. Abhilasha Pawar and Mr. Aashish Pawar submit that the subject matter of the impugned FIR was a transaction relating to the sale and purchase of a flat. They submit that the said transaction did not materialise and that the amount paid by Respondent No. 2 to the Petitioner was not returned to Respondent No. 2. This led to a dispute between Respondent No. 2 and the Petitioner, which resulted in Respondent No. 2 filing a complaint that was registered as the impugned FIR. They submit that, with the intervention of friends, the dispute between the Petitioner and Respondent No. 2 has been amicably resolved and the Petitioner has returned the entire amount to Respondent No. 2. They submit that in view of the settlement, Respondent No. 2 has affirmed an affidavit dated 30.03.2026, stating his no objection to the quashing of the impugned FIR. They therefore request the quashing of the criminal proceedings.

4. The Petitioner is present in Court and is identified by his Advocate Ms. Abhilasha Pawar. She submits a photocopy of the identity card of the Petitioner which is taken on record and marked as “X” for identification.

5. Respondent No. 2 is present in Court and is identified by his Advocate Mr. Aashish Pawar. He submits a photocopy of Respondent No. 2's identity card, which is taken on record and marked as “X-1” for identification.

6. Mr. Aashish Pawar states that the Affidavit dated 30.03.2026 affirmed by the Respondent No. 2, before the Notary Nandu Pawar, Mumbai, is placed on record, the same is marked as “X-2” for identification.

7. Respondent No. 2 states that he has filed the Affidavit (X-2) of his own free will, without any force or coercion from anyone. He states that the contents of the Affidavit (X-2) are true and as per his say. He states that the dispute between him and the Petitioner was in respect of a transaction pertaining to the sale of a Flat, in respect of which he had paid an amount to the Petitioner. He states that on account of the Petitioner's failure to return the said amount, despite the transaction having failed, was the cause for him to file the complaint to the police. He states that the Petitioner has returned the entire amount to him and therefore he has no grievance whatsoever against the Petitioner. He states that in view of the settlement, he does not intend to continue with the criminal proceedings and wants to end them. He reiterates his no

objection to the quashing of the impugned FIR, as stated in his Affidavit (X-2).

8. Mrs. Poonam Bhosale, learned APP for the Respondent – State, submits that the commercial transaction between the two contracting parties was unnecessarily dragged to the Police Station, resulting in the police machinery being set in motion. She, however, submits that as the commercial dispute between the Petitioner and the Respondent No. 2 has been amicably resolved and the entire amount returnable to the Respondent No. 2 has been returned to him by the Petitioner, Respondent No. 1- State has no objection to the quashing of the impugned FIR. She, however, insists on the imposition of costs on the Petitioner and the Respondent No. 2.

9. Ms. Abhilasha Pawar and Mr. Aashish Pawar, on instructions from the Petitioner and the Respondent No. 2, state that they shall pay appropriate costs.

10. Considering the facts mentioned hereinabove, the submissions of the learned Advocates for the parties, the predominantly civil nature of the dispute, the Petitioner having paid the entire amount due to the Respondent No. 2 and the statements made by the Respondent No. 2

before this Court today and in his Affidavit (X-2), no useful purpose would be served by continuing the criminal proceedings.

11. Having regard 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 Petition.

12. In view of the above, this Petition is allowed in terms of prayer clause (b), subject to payment of the cost of Rs. 20,000/- by the Petitioner and the cost of Rs. 20,000/- by the Respondent No. 2. Payment of costs is a condition precedent. Consequently, the impugned FIR is quashed.

13. The Petitioner shall deposit the cost of Rs. 20,000/- in the account mentioned below within a period of three (3) weeks from today.

The High Court Employees Medical Welfare Fund at Mumbai	
Account No. :	000120110001337

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641
Arjun

Bank:	Bank of India
Branch:	Mumbai Main
IFSC Code:	BKID0000001

14. The Respondent No. 2 shall deposit the cost of Rs. 20,000/- in the account mentioned below within a period of three (3) weeks from today.

Central Police Welfare Fund	
Director General M. S. Mumbai.	
Account No. :	914010029005759
Bank :	Axis Bank Limited
Branch :	Worli, Mumbai (M.H.), Mumbai – 400 025
IFSC Code :	UTIB00000060

15. The compliance affidavit, along with the proof of deposit, shall be filed by the Petitioner and Respondent No. 2 in the Registry of this Court

on or before 10.06.2026.

16. Writ Petition No. 6602 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)

ARJUN
KRISHNA
RODGE
Digitally
signed by
ARJUN
KRISHNA
RODGE
Date:
2026.04.28
10:25:14
+0530