

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1225 OF 2025
WITH
INTERIM APPLICATION NO.581 OF 2026
IN
CRIMINAL APPLICATION NO.1225 OF 2025

Gurpreet Malhi : Applicant

Versus.

1] The State of Maharashtra

2] Ashwin Samant : Respondents.

Mr.Faran Khan a/w Adv. Dhruvee Patel and Adv. Darshil Shah
i/by Adv. Swapnil Khatri i/by Kalpesh Joshi Associates for the
Applicant.

Mr. Sukanta A Karmakar, APP for the Respondent/State.

Mr. Joran Diwan i/by Diwan Law Associates for Respondent
No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 09 MARCH 2026

PC:-

1. Heard Mr. Farhan Khan, learned Advocate for the
Applicant, Mr. Sukanta Karmakar, learned APP for the
Respondent/State and Mr. Joran Diwan, learned Advocate for
Respondent No.2.

2. This application under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023, is filed by the Applicant for quashing the FIR bearing 0507 dated 08 July 2025 (impugned FIR), registered with Thane Nagar Police Station and now transferred to Search-I, Crime Branch, Thane City, DOW, Thane, for offences punishable under Sections 3(5), 316, and 318(4) of the Bharatiya Nyaya Sanhita.

3. The Applicant appears through V.C. and is identified by his Advocate Mr. Farhan Khan. He submits a Photostat copy of the Applicant's Identity Card, which is taken on record and marked as “X” for identification.

4. Respondent No. 2 is present in court and is identified by his advocate Mr. Joran Diwan. He submits a photocopy of Respondent No. 2's identity card, which is taken on record and marked as “X-1” for identification.

5. Mr. Joran Diwan states that the Affidavit dated 17 February 2026, affirmed by Respondent No.2 before Notary Rambhawan B Kewat of Parel (E), Mumbai, 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 of his own free will and without any pressure or coercion from anyone. He states that the contents of the Affidavit (X-2) are as per his say. He reiterates his no objection to the quashing of the criminal proceedings.

7. Mr. Farhan Khan, learned Advocate for the Applicant, and Mr. Joran Diwan, learned Advocate for Respondent No. 2, submit that the subject matter of the impugned FIR pertains to a private commercial dispute. To clarify, they state that the dispute involved the purchase and sale of a sea-going vessel. They state that a document executed during the said commercial transaction, which was not intended for use, was used by the Applicant, leading to the dispute. They further state that the dispute resulted in the Applicant filing various proceedings before the Arbitral Tribunal seated in Singapore, the Singapore High Court, the Gujarat High Court, and the Orissa High Court. Additionally, they submit that the Applicant and Respondent No. 2 filed civil proceedings before this Court. They also assert that the Applicant and Respondent No. 2 have amicably resolved the matter and entered into a resolution agreement on 05 February 2026 in Mumbai. They mention that the parties have acted on the said resolution agreement and settled their dispute. They contend that, in light of this resolution, Respondent No. 2 has no objection to the quashing of the criminal proceedings, as stated in the Affidavit (X-2). They state that the subject matter of the impugned FIR does not pertain to any public fund, public institution, or financial institution. They rely on paragraphs 2 to 5 of the Respondent No. 2's Affidavit (X-2), which are transcribed below verbatim: -

"2. I am the original complainant in the present case. On 8 July 2025, First Information Report bearing No. 0507 of 2025 dated 8 July 2025 (FIR) was registered

under sections 3(5), 316 and 318(4) of the Bharatiya Nyaya Sanhita 2023 at Thane Nagar Police Station. The FIR is presently at the investigation stage. I say that there are several other disputes with Capt. Alok Kumar (Accused No.1 in the FIR) before various forums including before this Hon'ble High Court, Arbitral Tribunal seated in Singapore, Hon'ble Singapore High Court, Hon'ble Gujarat High Court and Hon'ble Orissa High Court. The above disputes are private in nature and are not heinous crimes and have no impact on society.

3. *With the intention to bring a quietus to all the above disputes and differences, on 5 February 2025, by way of a notarized resolution agreement (Resolution Agreement), Capt. Alok Kumar (Accused No.1 in the FIR) and I have decided to amicably settle our disputes as per the terms and conditions detailed therein. A copy of the Resolution Agreement has been placed on record by the Applicant by way of the captioned Application.*

4. *Accordingly, by way of the captioned Application, in view of the Resolution Agreement entered with Accused No.1, the Applicant has sought for reliefs including quashing and setting aside the subject FIR dated 8 July 2025 along with other reliefs as particularly mentioned at paragraph no. 7 of the said Application.*

5. *I am making this present affidavit to accord my consent and to state that I have no objection if the reliefs sought by the Applicant in the captioned Application are granted by this Hon'ble Court."*

8. Mr. Sukanta Karmakar, the learned APP for the Respondent/State, submits that a private commercial transaction was given a criminal character by Respondent No.2. However, he states that, based on the settlement reached between the parties, as evidenced by the resolution agreement dated 05 February 2026, and considering that Respondent No.2 has filed his Affidavit (X-2) and conveyed no objection to quashing the criminal proceedings, he has no

objection to quashing the impugned FIR. Nevertheless, he insists on imposing exemplary costs on the parties.

9. Mr. Farhan Khan and Mr. Joran Diwan, on instructions, submit that the Applicant and Respondent No.2 shall deposit appropriate costs.

10. Considering the facts mentioned above and the submissions made by the learned Advocates for the parties, since the dispute involves a private commercial transaction and the settlement is disclosed in the resolution agreement dated 05 February 2026, along with the statements made by Respondent No. 2 in the Affidavit (X-2), continuing the criminal prosecution would not serve a useful purpose. 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 to granting this Application.

11. In view of the above, Criminal Application No.1225 of 2025 is allowed as per prayer clause (a), subject to the payment of Rs.2,50,000/- in costs by the Applicant and Rs.2,50,000/- in costs by Respondent No.2. Payment of costs is a condition precedent. Consequently, the impugned FIR is quashed.

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

12. The Applicant and Respondent No.2 shall each deposit Rs.2,50,000/- into the account mentioned below within two weeks from today, and file a compliance affidavit along with proof of deposit in the Court Registry on or before 30 March 2026.

a] The Applicant shall deposit costs of Rs.2,50,000/- in:-

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

b] The Respondent No.2 shall deposit costs of Rs.2,50,000/- in :-

Mahila Vikas Mandal, Colaba

Bank : Bank of Baroda

Branch : Backbay Reclamation Branch, Mumbai-20

A/c No. : 03820100002611

IFSC Code : BARBOBACKBA

A/c Name : Mahila Vikas Mandal Colaba

A/c Type : Savings.

13. Criminal Application No.1225 of 2025 is disposed of.

14. In view of the disposal of the Criminal Application, Interim Application No. 581 of 2026 is also disposed of.

(ASHWIN D. BHOBE, J.)