

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

CRIMINAL APPLICATION NO.1536 OF 2025

Romaan Hussain Pathan : Applicant.

Versus.

The State of Maharashtra and anr. : Respondents.

Mr. Sanghraj Rupwate a/w Ms. Shraddha Vavhal for the Applicant.

Mrs. Anuja Gotad, APP for the Respondent/State.

Mr. Archit Jayakar a/w Ms. Pooja Yadav for the Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 16 APRIL 2026

PC:-

1. This Application is listed on today's board at Sr. No. 75. At the request of Mr. Sanghraj Rupwate, learned Advocate for the Applicant and Mr. Archit Jayakar, learned Advocate for Respondent No. 2, this Application is taken up out of turn.

2. At the outset, Mr. Sanghraj Rupwate, learned Advocate for the Applicant, seeks leave to amend prayer clause (c) to incorporate the FIR number. Mrs. Anuja Gotad, learned APP for the Respondent-State, and Mr. Archit Jayakar, learned

Advocate for Respondent No. 2, do not object to the request made by Mr. Sanghraj Rupwate, learned Advocate for the Applicant. In view of no objection, leave is granted to amend the prayer clause (c). Mr. Sanghraj Rupwate states that the amendment will be carried out forthwith. Permission granted.

3. Heard, Mr. Sanghraj Rupwate, learned Advocate for the Applicant Mrs. Anuja Gotad, learned APP for the Respondent-State and Mr. Archit Jayakar, learned Advocate for Respondent No.2.

4. This Application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is preferred by the Applicant for quashing the FIR bearing No. 600/2015 (hereafter “impugned FIR”) dated 24th September 2015, registered with the Bandra Police Station for the offence punishable under Sections 452, 354, 509, 504, 506 and 34 of the Indian Penal Code and the Charge-sheet arising out of the impugned FIR.

5. Mr. Sanghraj Rupwate, learned Advocate for the Applicant and Mr. Archit Jayakar, learned Advocate for Respondent No.2, submit that the subject matter of the impugned FIR is a personal dispute between two friends i.e. the Applicant and Respondent No.2. They submit that due to a misunderstanding between the Applicant and Respondent No.2, disputes arose, leading to altercation and verbal abuses. They submit that the incident referred to in the impugned FIR is almost 10 years old. They submit that both the Applicant and Respondent No. 2 have now settled in life, reconciled and

agreed to put an end to the said dispute. They further submit that Respondent No.2 has affirmed an Affidavit dated 27th March 2026, stating her no objection to the quashing of the impugned FIR and the charge-sheet arising out of the impugned FIR. They therefore request the quashing of the impugned FIR and the charge-sheet arising out of the impugned FIR.

6. Applicant appears through V.C. and is identified by his Advocate Mr. Sanghraj Rupwate. He tenders the Photostat copy of the Applicant's Identity Card, which is taken on record and marked with "X" for identification.

7. Respondent No.2 is present in the Court and is identified by her Advocate Mr. Archit Jayakar. He tenders the Photostat copy of Respondent No.2's Identity Card, which is taken on record and marked with "X-1" for identification.

8. Mr. Archit Jayakar, learned Advocate for the Respondent No.2, states that the Affidavit dated 27th March 2026, affirmed by Respondent No.2 before the Notary Ms. Uma Vyavaharkar, Mumbai, is placed on record and the same is marked as "X-2" for identification.

9. Respondent No. 2, who is present in court, states that the said Affidavit (X-2) is filed of her own free will and without any pressure or coercion from any person. She states that the contents of the Affidavit (X-2) are true and as per her say. She states that she and the Applicant have amicably

resolved the matter. She states that the Applicant has given her a written apology, expressing regret for his action. She submits that as the incident is almost 10 years old and considering the regret expressed by the Applicant, she has no objection to the quashing of the criminal proceedings. She states that she has shifted to the United Arab Emirates and wants to live peacefully. She states that she does not intend to continue the criminal proceedings and wants to bring them to an end. She states that she will not support the prosecution's case. She reiterates her no objection to the quashing of the criminal proceedings.

10. Mrs Anuja Gotad, learned APP for the Respondent-State, submits that the Applicant and the Respondent No.2 having amicably resolved their private dispute and considering the statements made by the Respondent No.2 today before this Court and also in her Affidavit (X-2), she does not object to the quashing of the impugned FIR and the charge-sheet arising out of the impugned FIR. She, however, submits that the parties have unnecessarily involved the police machinery in a private dispute and as such she insists on imposing costs on the Applicant.

11. Mr. Sanghraj Rupwate, learned Advocate for the Applicant, on instructions, states that appropriate costs would be paid by the Applicant.

12. The Hon'ble Supreme Court in *Gian Singh vs State of Punjab*¹ in paragraph no. 61 has held as under:-

61. The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominately civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of

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2012 10 SCC 303

justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

13. In the case of *Narinder Singh and Ors vs State of Punjab and Anr*² in paragraph no. 29 the Hon'ble Supreme Court has held as under:-

29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

(i) ends of justice, or

(ii) to prevent abuse of the process of any court.

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not to be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc.

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2014 6 SCC 466

Such offences are not private in nature and have a serious impact on society. Similarly, for the offences alleged to have been committed under special statute like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other hand, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.

29.6. Offences under Section 307 IPC would fall in the category of heinous and serious offences and therefore are to be generally treated as crime against the society and not against the individual alone. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to proving the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used, etc. Medical report in respect of injuries suffered by the victim can generally be the guiding factor. On the basis of this prima facie analysis, the High Court can examine as to whether there is a strong possibility of conviction or the chances of conviction are remote and bleak. In the former case it can refuse to accept the settlement and quash the criminal proceedings whereas in the latter case it would be permissible for the High Court to accept the plea compounding the offence based on complete settlement between the parties. At this stage, the Court can also be swayed by the fact that the settlement between the parties is going to result in harmony between them which may improve their future relationship.

29.7. While deciding whether to exercise its power under Section 482 of the Code or not, timings of settlement play

a crucial role. Those cases where the settlement is arrived at immediately after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceedings/investigation. It is because of the reason that at this stage the investigation is still on and even the charge-sheet has not been filed. Likewise, those cases where the charge is framed but the evidence is yet to start or the evidence is still at infancy stage, the High Court can show benevolence in exercising its powers favourably, but after prima facie assessment of the circumstances/material mentioned above. On the other hand, where the prosecution evidence is almost complete or after the conclusion of the evidence the matter is at the stage of argument, normally the High Court should refrain from exercising its power under Section 482 of the Code, as in such cases the trial court would be in a position to decide the case finally on merits and to come to a conclusion as to whether the offence under Section 307 IPC is committed or not. Similarly, in those cases where the conviction is already recorded by the trial court and the matter is at the appellate stage before the High Court, mere compromise between the parties would not be a ground to accept the same resulting in acquittal of the offender who has already been convicted by the trial court. Here charge is proved under Section 307 IPC and conviction is already recorded of a heinous crime and, therefore, there is no question of sparing a convict found guilty of such a crime.

14. In the case of *Parbatbhai Aahir @ Parbatbhai vs The State of Gujarat*³, in paragraph no. 16, the Hon'ble Supreme Court has held as under:-

16. The broad principles which emerge from the precedents on the subject, may be summarised in the following propositions:

16.1. Section 482 preserves the inherent powers of the High Court to prevent an abuse of the process of any court or to secure the ends of justice. The provision does not confer new powers. It only recognises and preserves powers which inhere in the High Court.

16.2. The invocation of the jurisdiction of the High Court to quash a first information report or a criminal proceeding

on the ground that a settlement has been arrived at between the offender and the victim is not the same as the invocation of jurisdiction for the purpose of compounding an offence. While compounding an offence, the power of the court is governed by the provisions of Section 320 of the Code of Criminal Procedure, 1973. The power to quash under Section 482 is attracted even if the offence is non-compoundable.

16.3. In forming an opinion whether a criminal proceeding or complaint should be quashed in exercise of its jurisdiction under Section 482, the High Court must evaluate whether the ends of justice would justify the exercise of the inherent power.

16.4. While the inherent power of the High Court has a wide ambit and plenitude it has to be exercised (i) to secure the ends of justice, or (ii) to prevent an abuse of the process of any court.

16.5. The decision as to whether a complaint or first information report should be quashed on the ground that the offender and victim have settled the dispute, revolves ultimately on the facts and circumstances of each case and no exhaustive elaboration of principles can be formulated.

16.6. In the exercise of the power under Section 482 and while dealing with a plea that the dispute has been settled, the High Court must have due regard to the nature and gravity of the offence. Heinous and serious offences involving mental depravity or offences such as murder, rape and dacoity cannot appropriately be quashed though the victim or the family of the victim have settled the dispute. Such offences are, truly speaking, not private in nature but have a serious impact upon society. The decision to continue with the trial in such cases is founded on the overriding element of public interest in punishing persons for serious offences.

16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice; and

16.10. There is yet an exception to the principle set out in propositions 16.8. and 16.9. above. Economic offences involving the financial and economic well-being of the State have implications which lie beyond the domain of a mere dispute between private disputants. The High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. The consequences of the act complained of upon the financial or economic system will weigh in the balance.

15. Considering the facts in the case at hand as mentioned above, the submissions of the learned Advocates for the parties, the nature of the dispute arising out of misunderstanding amongst friends, the statements made by the Respondent No.2 before this Court as well as in her Affidavit (X-2) and her having now settled in the United Arab Emirates and expressed her intention not to continue with the criminal proceedings, no useful purpose will be served by allowing the criminal prosecution to continue. Having regard to the pronouncements of the Hon'ble Supreme Court, there is no impediment in allowing this Application.

16. In view of the above, Criminal Application No. 1536 of 2025 is allowed in terms of prayer clause (c), subject to the Applicant paying costs of Rs. 1,00,000/-. Payment of costs is a condition precedent. Consequently, the impugned FIR and the Chargesheet arising therefrom are quashed.

17. The Applicant shall deposit the sum of Rs. 1,00,000/- in the Account mentioned below within two weeks from today and file with the Registry of this Court the compliance affidavit, along with proof of deposit, on or before 4th May 2026.

Central Police Welfare Fund

Director General MS Mumbai

Account No: 914010029005759

Bank : Axis Bank Limited

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

IFSC Code: UTIB0000060

18. The Criminal Application No.1536 of 2025 is disposed of.

(ASHWIN D. BHOBE, J.)