

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

CRIMINAL WRIT PETITION NO. 374 OF 2026

Narayanbhai Rambhai Ghadiya & Ors. ... Petitioners.

V/s.

Dr. Suresh Kanthilal Jani & Anr. ... Respondents.

Mr. Vaibhav R. Shah, Advocate for Petitioners.
Ms. Pallavi Dabholkar, APP for Respondent/State.
Ms. Dinkle Vithalani, Advocate for Respondent No. 1.

CORAM : ASHWIN D. BHOBE, J.

DATE : 23rd JANUARY, 2026.

P.C. :

1. This Petition under Article 226 of the Constitution of India and under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is preferred against the FIR bearing No. 30 of 2009 registered with Panvel Police Station for offence punishable under section 406, 415, 420, 423, 465, 568, 467 read with 34 of the Indian Penal Code and the Charge-sheet bearing R.C.C. No. 689 of

2009 pending before JMFC, Panvel.

2. Mr. Vaibhav Shah, learned Advocate for the Petitioners states that all the five Petitioners are present in the court. He tenders photo identity cards (5 Nos.) which are taken on record and marked "X" colly. for identification. Ms. Dinkle Vithalani, learned Advocate for the Respondent No. 1 states that Respondent No. 1 (Suresh Kantilal Jani) appears through V.C. She tenders copy of the photo identity card of Respondent No. 1 which is taken on record and marked as "X-1" identification. Mr. Vaibhav Shah and Ms. Dinkle Vithalani, learned Advocates for the parties jointly states that the dispute between the Petitioners and Respondent No. 1 is amicably settled. They submit that in view of the settlement, Respondent No. 1 has agreed to give no objection for quashing of the criminal proceedings. Mr. Vaibhav Shah and Ms. Dinkle Vithalani jointly states that Consent affidavit dated 19th January, 2026 and the consent terms agreed into between the parties are placed on record at Exh. B from page 117 to 135. The Consent affidavit dated 19th January, 2026 is marked as "X-2" for identification. Respondent No. 1 Dr. Suresh Kanthilal Jaini

appearing through V.C. states that the affidavit (“X-2”) has been filed out of his free will and as per his say. He states that the dispute between him and the Petitioners has been settled. He by relying on paragraph Nos. 5 to 9 of affidavit (“X-2”) states that he has no objection for quashing of the Criminal proceedings. Mr. Vaibhav Shah and Ms. Dinkle Vithalani, learned Advocate for the parties submit that the parties having resolved the matter, Criminal proceedings may be quashed.

3. Ms. Dabholkar, learned APP for the State submits that the no purpose would be served in continuing with the criminal proceedings in view of the document at “X-2” and the consent terms filed at pages 117 to 135. She however, submits that a civil matter was given criminal flavour and Police machinery was put to use to recover the amount. She therefore insisted for payment of costs by the parties.

4. Mr. Vaibhav Shah and Ms. Dinkle Vithalani, learned Advocate for the parties jointly submits that an amount of Rs. 50,000/- i.e. Rs. 25,000/- by the Petitioners and Rs. 25,000/- by

the Respondent No. 1 shall be deposited in the following account :

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: UTIB0000060.

6. Mr. Vaibhav Shah and Ms. Dinkle Vithalani, on the basis of the instructions from the Petitioners who are present in court and the Respondent No. 1 appearing through V.C. undertake to deposit the said amount within two weeks from today. Statement accepted.

7. Considering the amicable settlement between parties, the statements made by the Respondent No. 1 in his Affidavit ("X-2"), the nature of dispute and having regards to the judicial pronouncements in the case of Gian Singh v. State of Punjab¹, Narinder Singh & ors v. State of Madhya Pradesh² and Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.³, there is no impediment if this Petition is

1(2012) 10 SCC 303

2 2025 SCC Online SC 466

3(2017) 9 SCC 641

allowed. Ends of Justice would justify exercise of power under Section 528 of BNSS to quash the criminal proceedings.

8. Writ Petition is allowed in terms of prayer clause (B). Consequently, FIR bearing No. 30 of 2009 registered with Panvel Police Station and the charge-sheet filed in Sessions Case No. 698 of 2009 pending before the Judicial Magistrate First Class, Panvel are quashed. The Criminal proceedings arising out of the impugned FIR are closed.

9. At the request of the learned Advocates for the parties, list this Petition on 9th February, 2026 for compliance.

(ASHWIN D. BHOBE, J.)