

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

CRIMINAL WRIT PETITION NO.375 OF 2026

Kishor Kapoorchand Porwal : Petitioner.

Versus

1] Neeraj Prakash Oswal & anr. : Respondents.

Mr. Saket Ketkar a/w Ms Vidya Pingale i/by Advocate Dinkle
Vithalani for the Petitioner.

Mr. Vaibhav R Shah for Respondent No.1.

Ms. Pallavi N Dabholkar, APP for the Respondent/State.

Mr. Kishor Porwal – Petitioner, present

Mr. Neeraj Oswal – Respondent No.1 present.

CORAM : ASHWIN D. BHOBE, J.

DATED : 12 FEBRUARY 2026

P.C.:-

1. Heard Mr. Saket Ketkar, learned Advocate for the Petitioner, Ms. Pallavi N Dabholkar, learned APP for the Respondent/State, and Mr. Vaibhav Shah, learned Advocate for Respondent No.1.

2. This Petition under Article 226 of the Constitution of India and under Section 528 of the Bhartiya Nagarik Suraksha

Sanhita, is preferred by the Petitioner (Accused No.2) against the FIR bearing No.148 of 2025 dated 18 June 2025 registered with the Khopoli Police Station for the offences punishable under Sections 308(1), 308(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and the chargesheet bearing RCC No.230 of 2025 pending before the JMFC, Khalapur. District Raigad. Said FIR was lodged at the instance of the Respondent No.1 (Complainant).

3. The Petitioner is present in Court and is identified by Advocate Mr. Saket Ketkar. Photostat copy of the Identity Card of the Petitioner is taken on record and marked “X” for identification.

4. The Respondent No.1 is present in Court and is identified by his Advocate Mr. Vaibhav Shah. Photostat copy of the Identity Card of the Respondent No1 is taken on record and marked “X-1” for identification.

5. Mr. Saket Ketkar, learned Advocate for the Petitioner, submits that the allegations of extortion and other offences are all against the main Accused No.1 (i.e. Kishor Salunke). He submits that even the demand for money as also the payment of the money by the Respondent No.2 is in respect of the Accused No.1. He submits that the Petitioner herein was implicated in the crime on account of his presence and he acting as a mediator to facilitate the transfer of the amount. He submits that the entire charge sheet does not attribute or make out any case of extortion as against the Petitioner. He

submits that the Respondent No.1, having realized the mistake of making allegations against the Petitioner, has amicably resolved the matter with the Petitioner.

6. Mr. Saket Ketkar states that the Petitioner has amicably settled and resolved all the disputes with the Respondent No.1, and therefore, he prays that the impugned FIR qua the Petitioner (Accused No.2) be quashed.

7. Mr. Vaibhav Shah, learned Advocate for the Respondent No.1, submits that the Petitioner was implicated in the crime on the basis of a misunderstanding. He submits that upon the said misunderstanding being cleared, the Petitioner and the Respondent No.1 have amicably settled the matter. He submits that the Respondent No.1 has no objection for quashing of the impugned FIR and the chargesheet as against the Petitioner. Mr. Vaibhav Shah states that the Respondent No.1 maintains all the allegations against the Accused No.1 (Kishor Salunke) in the FIR bearing No.148 of 2025 dated 18 June 2025 registered with the Khopoli Police Station.

8. Mr. Vaibhav Shah states that the Consent Affidavit dated 14 January 2026 affirmed by the Respondent No.1 before Notary Ankush Sukhdev Mandlik is placed on record as Exhibit-B (at page nos. 374 to 378 of the paper book), same is marked “**X-2**” for identification.

9. Respondent No.1 – Neeraj Prakash Oswal states that the Affidavit (X-2) is filed out of his own free will and without any

pressure or coercion from any person and the contents of the Affidavit (X-2) are as per his say. Paragraph Nos. 1 to 8 of the Affidavit (X-2) are transcribed herein below :-

1. Pursuant to a complaint lodged by me with the Khopoli Police Station, the said Khopoli Police Station has registered F.I.R. No 148 of 2025 dated 18/06/2025 under sections 308(1), 308(2) and 3(5) of the Bharatiya Nyaya Sanhita (BNS) against Accused No. 1 Mr. Kishore Sidram Salunke and the said Petitioner / Accused No. 2

2 I say that I am hereby willing to withdraw the allegations against the said Petitioner Accused No. 2 in the subject matter case, and I do not wish to continue with the litigation against the said Petitioner, since he had no role in the said crime and He has not made any demand, threat or inducement, nor he has committed any illegal act. Moreover, said Petitioner/Accused No.2 was made a scapegoat at the behest of Accused No. 1

3. I say that I do not wish to proceed with my complaint against the Accused No. 2/ Petitioner hereinabove since he had only acted as an intermediary on Informant request, He had approached Accused No.1 who had the whole intention to extort money for his malafide gains & unjust enrichment and on the request of Informant, the petitioner was assisting him to avoid further collusion and demand of extortion on behalf of Accused No. 1.

4. I strongly believe that the said Petitioner has been made as a co-accused only due to misunderstanding and in a fit of rage due to the circumstances which prevailed at that time when the Accused No.1 was pressurizing & threatening the Complainant for ransom money and demanded the same through the Petitioner who only acted as a middleman and had no intention of extorting money from Complainant.

5. I state that the said petitioner/Accused No.2 has not derived any financial or other benefit from the alleged incident and had no criminal intention to defraud me in whatsoever manner.

6. I say that the complainant intends to settle the dispute with the present Petitioner/Accused No. 2

and this Affidavit is furnished in support of the Petitioner in order to enable the Petitioner to seek the quashing of subject matter F.I.R and Chargesheet alongwith the proceedings pending before the Ld. Civil Judge Junior Division at Khalapur in RCC bearing No. 230 of 2025 in this Hon'ble High Court.

7. I say that the present Affidavit is furnished before this Hon'ble High Court only for the partial quashing of the F.L.R. and with the Charge Sheet qua Petitioner. The Complainant intends to contest the subject matter case against the Accused No. 1 who is the main culprit. The Complainant is willing to withdraw the allegations against the Accused No. 2/said Petitioner.

8. I repeat & reiterate that if the FIR alongwith the Charge Sheet is not quashed against the present Petitioner then grave prejudice & irreparable loss would be caused to him. “

10. The issue as to whether the FIR can be quashed in part is no more *res-integra*. The Hon'ble Supreme Court in the case of *Lovely Salhotra and Anr. Vs. State, NCT of Delhi*¹ in paragraph No.4 has observed as follows :-

4. We have taken into account the fact of the matter in question as it appears to us that no cognizable offence is made out against the appellant-herein. The High court was wrong in holding that the F.I.R. cannot be quashed in part and it ought to have appreciated the fact that the appellants-herein cannot be allowed to suffer on the basis of the complaint filed by Respondent No.2- herein only on the ground that the investigation against co-accused is still pending. It is pertinent to note that the learned Magistrate has opined that no offence is made out against co-accused Nos. 2, 3, 4 and 6 prima facie."

11. The decision of *Lovely Salhotra* (Supra) was followed by this Court in the Court of *Alpesh Arvindbhai Patel & ors. Vs.*

¹ 2017 SCC OnLine SC 636

The State of Maharashtra & Anr. in Writ Petition No.3721 of 2018, the Hon'ble Delhi High Court in *Mrs. Poonam Khanna Vs. State & ors.* and *Sunil tomar Vs. The State of NCT of Delhi.*

12. The Hon'ble Supreme Court in the case of *Gian Singh Vs. State of Punjab & Anr.*² in paragraph 58 has observed as follows :-

“58. Where the High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and the victim has been settled although offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without permission of the Court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between offender and victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent

² (2012) 10 SCC 303

power, quash the criminal proceeding or criminal complaint or F.I.R if it is satisfied that on the face of such settlement, there is hardly any likelihood of offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard and fast category can be prescribed."

13. The Hon'ble Division Bench of this Court in the case of *Kukesh Raute Vs. State of Goa*, in Criminal Writ Petition No. 203 of 2025, and in the case of *Roshani w/o Yogesh Bhongade and Anr Vs. State of Maharashtra* in Criminal Application No.1386 of 2023, which were cases involving offences pertaining to extortion, on amicable settlement between the parties, have accepted the settlement and quashed the criminal proceedings in exercise of the jurisdiction under Section 482 of the Criminal Procedure Code. The High Court of Gujarat in Criminal Misc. Application No.5126 of 2020 has after having accepted amicable settlement in a criminal case wherein offences of extortion were involved, had quashed the FIR.

14. Ms. Pallavi N Dabholkar, learned APP for the State submits that the Petitioner and Respondent No. 1 having settled the matter and considering the statements made by the Respondent No.1 in the Affidavit (X-2), no purpose would be served in continuing with the Criminal proceedings as against the Petitioner. She insists for imposition of costs on the Petitioner.

15. Considering the facts and circumstances of the present case, as stated by Mr. Saket Ketkar and Mr. Vaibhav Shah, and the pronouncements of the Hon'ble Courts, referred to herein above, there is no impediment in allowing this Petition qua the Petitioner.

16. Mr. Saket Ketkar, learned Advocate for the Petitioner, on instructions from the Petitioner, submits that the Petitioner is willing to pay appropriate costs. Accordingly, the Petitioner is directed to pay costs of Rs.1,00,000/-.

17. Consequently, the Petition is allowed in terms of prayer clause (A) subject to payment of the costs of Rs.1,00,000/- as a condition precedent. Consequently, the impugned FIR bearing No.148 of 2025 registered with the Khopoli Police Station and the Chargesheet bearing RCC No.230 of 2025 are quashed qua the Petitioner (Accused No.2).

18. It is clarified that the criminal proceedings in respect of the FIR bearing No.148 of 2025 registered with the Khopoli Police Station and the Chargesheet bearing RCC No.230 of 2025 shall proceed as against the Accused No.1 (Kishor Salunke).

19. The Petitioner, who is present in Court, undertakes to deposit the amount of Rs.1,00,000/- in the below mentioned Accounts within a period of two weeks from today and file compliance Affidavit along with proof of deposit in the Registry of this Court on or before 09 March 2026.

a) Out of total costs of Rs.1,00,000/-, the Petitioner shall deposit Rs.50,000/- in:-

Deepstambh Foundation, Delhi
Bank Name : ICICI Bank
Account Name : Deepstambh Foundation Delhi
Account Number : 697401700986
Account Type : Savings
IFSC Code : ICIC0006974
MICR Code : 425229003

b) The Petitioner shall deposit the remaining amount of Rs.50000/- in:-

Central Police Welfare Fund
Account No: 914010029005759
Bank : Axis Bank Limited
Branch : Worli, Mumbai (M.H.), Mumbai - 400 025
IFSC Code: UTIB0000060

20. The Writ Petition 375 of 2026 is allowed in above terms.

(ASHWIN D. BHOBE, J.)