

GAYATRI
RAJENDRA
SHIMPI

Digitally signed
by GAYATRI
RAJENDRA
SHIMPI
Date: 2026.02.05
20:06:43 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 400 OF 2026

Arul Somkuwar & Anr. ... Petitioners
V/s.
The State of Maharashtra & Ors. ... Respondents

Mr. Madan Gupta a/w Ms. Priti Jain, Advocates for Petitioners.
Mr. Akhilesh Yadav, Advocate for Respondent Nos. 2 to 4.
Mr. Sukanta Karmakar, APP for Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 2nd FEBRUARY, 2026.

P.C. :

1. This Petition filed under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is preferred against the FIR bearing C. R. No. 41 of 2026 dated 19/01/2026 registered with the Shivaji Park Police Station, Mumbai for the offences punishable under Section 356 of the Bharatiya Nyaya Sanhita and Section 66E of the Information Technology Act.

2. Petitioners are present in Court along with their Advocate Mr. Madan Gupta. Photostat copies of the identity card of

the Petitioners tendered are taken on record and marked as '**X colly**' for identification.

3. Respondent No. 2 (Complainant), Respondent No. 3 & 4 (Victims) are present along with their Advocate Mr. Akhilesh Yadav. Photostat copies of their identity card are taken on record and marked as '**X-1 colly**' for identification.

4. Mr. Madan Gupta and Mr. Akhilesh Yadav submit that the Petitioners and Respondents are college students. They submit that a fun incident turned, resulted into filling of a complaint, out of sheer misunderstanding. They submit that Petitioners and Respondents have amicably resolved. They submit the Respondents have no objection for quashing of the Impugned FIR.

5. Petitioners and Respondent Nos. 2, 3 and 4 who are present in Court submit that they regret the incident and they now intend to concentrate on their studies.

6. Mr. Akhilesh Yadav, tenders a joint affidavit of Respondent Nos. 2, 3 and 4 affirmed by them before Notary Shane Cardoz on 2nd February, 2026, same is taken on record and marked

as 'X-2' for identification. Respondent Nos. 2, 3 and 4 state that they have filed the affidavit out of their own free will and without any pressure from anyone. They reiterate the statements made in the affidavit 'X-2'.

7. Mr. Sukanta Karmakar, learned APP for the State submits that the Petitioners and Respondents being college students having amicably resolved the matter it would be in their interest to quash the criminal proceedings. He submits that the criminal proceedings which are subject matter of the present Petition be quashed.

8. Considering the above said factual situation, the Petitioners and the Respondent Nos. 2, 3 and 4 being college students and the statements made by Respondent Nos. 2, 3 and 4 in the affidavit as 'X-2', no purpose would be served in continuing with the criminal proceedings. Having regard to the decision of Hon'ble Supreme Court in the case of Gian Singh V. State of Punjab¹, Parbatbhai Aahir Alias Prabatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat Anr², Narinder Singh & Ors. Vs.

¹ (2012) 10 SCC 303

² (2017) 9 SCC 641

State of Punjab & Anr.³ there is no impediment for allowing this Petition.

9. Writ Petition is therefore allowed in terms of prayer clause (A). Consequently, the FIR bearing No. 41 of 2023 registered with Shivaji Park Police Station, Mumbai is quashed.

10. In the facts and circumstances of the present case, there shall be no order as to costs.

(ASHWIN D. BHOBE, J.)

³ (2014) 6 SCC 466