

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

**WRIT PETITION NO. 474 OF 2026**

Aspi Khatow And Anr ... Petitioners

V/s.

The State of Maharashtra & Anr. ... Respondents

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Mr. Aditya Mishra, Advocate for Petitioners.

Mr. Omkar Dhakal a/w Mr. Shashwat Nehete, Advocates for Respondent No. 2.

Mr. Tanveer Khan, APP for Respondent - State.

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**CORAM : ASHWIN D. BHOBE, J.**

**DATE : 9<sup>th</sup> MARCH, 2026**

**P.C. :**

1. Heard Mr. Aditya Mishra, learned Advocate for the Petitioners, Mr. Tanveer Khan, learned APP for the State and Mr. Omkar Dhakal, learned Advocate for Respondent No. 2.

2. This Petition under Articles 226 and 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 is preferred by the Petitioners for quashing of the FIR dated 15<sup>th</sup> December, 2025 bearing No. 0480

of 2025 registered with Tardeo Police Station for the offences punishable under Sections 420 and 34 of the Indian Penal Code, 1860 (hereafter “impugned FIR”).

3. Petitioners are present in court and are identified by their advocate Mr. Aditya Mishra. He submits the photocopies of the Petitioners' Identity Cards, which are taken on record and marked as **‘X-colly’** for identification.

4. Respondent No. 2 is present in court and is identified by her advocate Mr. Omkar Dhakal. He submits a photocopy of Respondent No. 2's identity card, which is taken on record and marked as **‘X-1’** for identification.

5. Advocate Mr. Omkar Dhakal submits the Affidavit dated 27<sup>th</sup> January 2026, affirmed by Respondent No. 2 before Notary K. S. Singh. It is taken on record and marked as **‘X-2’** for identification. Respondent No. 2, who is present in the Court, states that the Affidavit (X-2) was given of his own free will and without any pressure, force, or coercion from any person. He states that the contents of Affidavit (X-2) are as per his say. He reiterates

the contents of the Affidavit (X-2). He specifically refers to paragraphs D, E, and F of the Affidavit **(X-2)**, which are transcribed below verbatim.

*“D) I state that I have received a sum of Rs. 30,00,000/- (Rupees Thirty Lakhs Only) from the Applicant towards full and final settlement of all my claims arising out of the subject matter of the FIR.*

*E) I hereby give my No Objection and unconditional consent for quashing of the aforesaid FIR and all proceedings arising therefrom.*

*F) I state that I shall not oppose the quashing petition filed by the Applicant and undertake to cooperate with the Hon'ble Court and Investigating Agency if required.”*

6. Mr. Aditya Mishra and Mr. Omkar Dhakal submit that the subject matter of the impugned FIR was a private commercial dispute between the Petitioners and Respondent No. 2. They submit that due to some non-compliance by the Petitioners, Respondent No. 2 filed a criminal complaint, leading to the lodging of the impugned FIR. They submit that the Petitioners have amicably resolved the matter by entering into a settlement deed, which they have placed on record at pages 62 to 70. They clarify that under the terms of the settlement executed on 27<sup>th</sup> January, 2026, the Petitioners were required to pay Rs.

30,00,000/- to Respondent No. 2, and this amount has been paid. As a result of the settlement and payment, Respondent No. 2 has no objection to the quashing of the criminal proceedings. They specifically refer to pages 56 to 60, where the settlement between the parties is detailed.

7. Mr. Tanveer Khan, learned APP for the State, submits that the private commercial dispute between the Petitioners and Respondent No. 2, being settled as stated by the Advocates for the parties and referred to in the Affidavit (X-2), he has no objection to the quashing of the criminal proceedings filed by Respondent No. 2. However, he insists on the imposition of costs.

8. Considering the above facts and the submissions of the learned advocates, since the dispute is essentially of a civil nature and the private commercial dispute has been amicably settled between the Petitioners and Respondent No. 2, and given Respondent No. 2's no objection in his affidavit (X-2 Colly.), no useful purpose will be served by continuing the criminal prosecution. Having regard to the pronouncements of the Hon'ble Supreme Court in the cases of *Gian Singh v/s. The State of Punjab*

*and Another*<sup>1</sup>, *Narinder Singh and Others v/s. State of Punjab and Another*<sup>2</sup> and *Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.*<sup>3</sup>, there is no impediment to allow this Criminal Writ Petition.

9. This Criminal Writ Petition is allowed as per the prayer clause (a), upon payment of costs of Rs. 50,000/- by the Petitioners and the Respondent No. 2, as a condition precedent. Accordingly, the impugned FIR No. 0480 dated 15<sup>th</sup> December, 2025, registered with Tardeo Police Station, Mumbai, is quashed.

10. Mr. Aditya Mishra, learned Advocate for the Petitioners and Mr. Omkar Dhakal, learned Advocate for Respondent No. 2, submit that costs shall be paid within two weeks.

11. The Petitioners and Respondent No. 2 shall each deposit Rs. 25,000/- in the specified accounts within two weeks from today and submit the compliance affidavit along with proof of deposit to the Court Registry on or before 30<sup>th</sup> March, 2026:-

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1. (2012)10 Supreme Court Cases 303.  
 2. (2014)6 Supreme Court Cases 466.  
 3. (2017) 9 SCC 641.

The Petitioners shall deposit an amount of Rs.25,000/- in :-

**The High Court Employees Medical Welfare Fund  
at Mumbai**

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

The Respondent No.2 shall deposit an amount of Rs.25,000/- 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

12. Writ Petition No. 474 of 2026 is disposed.

**(ASHWIN D. BHOBE, J.)**