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

WRIT PETITION NO. 486 OF 2026

Zain Ashraf Ameer Khan ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr. Tariq Khan, Advocate for Petitioner.

Mr. Mohammed Husain Khan, Advocate for Respondent No. 3.

Mr. Prasanna Malshe, APP for Respondent – State.

Ms. Usha Khose – PSI, MHB Colony Police Station, Mumbai.

CORAM : ASHWIN D. BHOBE, J.

DATE : 30th JANUARY, 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 for quashing of the FIR bearing No. 848 of 2025 registered with M.H.B. Colony Police Station under Sections 69, 75, 318(4), 316(2) of the BNS, 2023.

2. Petitioner is present in Court with his Advocate Mr.

Tariq Khan. Photostat copy of the Petitioner's photo identity card, is tendered, same is marked as 'X' for identification.

3. Respondent No. 3 is present in Court along with her Advocate Mr. Mohammed Husain Khan. Photostat copy of the Respondent No. 3 is taken on record and marked 'X-1' for identification.

4. Mr. Tariq Khan and Mr. Mohammed Husain Khan jointly submit that the Petitioner and Respondent No. 3 are friends. They submit that the complaint filed by the Respondent No. 3 was on account of a misunderstanding amongst them. They submit that the Petitioner and Respondent No. 3 have realized their mistake and have resolved the dispute. They submit that Respondent No. 3 has given her no objection to quashing of the criminal proceedings. They submit that the consent affidavit affirmed by Respondent No. 3 before the Registry of this Court on 21st January, 2026 is placed along with the Petition at Exhibit – C (pages 18 to 21 of the paper book), same is taken on record and marked as 'X-2' for identification.

5. Respondent No. 3 who is present in Court states that the affidavit at 'X-2' is filed out of her own free will and without any pressure or coercion from any person. She states that the contents of the affidavit are as per her say. She reiterates that she has no objection for quashing of the FIR bearing No. 848 of 2025 registered with M.H.B. Colony Police Station.

6. Mr. Prasanna Malshe, learned APP for the State submits that no purpose would now be served in continuing with the criminal proceedings in view of the statement by Respondent No. 3 before this Court as also in her affidavit 'X-2'. He submits that the FIR can be quashed, subject to costs being paid by the parties.

7. Mr. Tariq Khan, on instructions from the Petitioner states that the Petitioner would pay an amount of Rs. 25,000/- as costs.

8. Considering the above, the nature of allegations, the statements made by Respondent No. 3 in the affidavit (X-2) and

having regard to the decision of the Hon'ble Supreme Court in the case of *Gian Singh V. State of Punjab*¹, *Parbatbhai Aahir Alias Prabatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat Anr*², *Narinder Singh & Ors. Vs. State of Punjab & Anr*.³ and *Sandeep Singh Thakur Vs. State of Madhya Pradesh and Anr*.⁴ there is no impediment for allowing this Petition.

9. This Petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs. 25,000/-. Consequently, the impugned FIR bearing No. 848 of 2025 registered with M.H.B. Colony Police Station is quashed.

10. Petitioner shall deposit Rs. 25,000/- in the below-mentioned bank account within a period of two weeks from today and file proof of said deposit in the Registry of this Court.

Central Police Welfare Fund

Account No: 914010029005759

Bank : Axis Bank Limited

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

IFSC Code: UTIB0000060

1 (2012) 10 SCC 303

2 (2017) 9 SCC 641

3 (2014) 6 SCC 466

4 2025 SCC OnLine SC 2927

11. List the matter on 9th February, 2026 for reporting compliance of deposit of cost.

(ASHWIN D. BHOBE, J.)