

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

CRIMINAL WRIT PETITION NO.525 OF 2026

Pawan Kumar Mishra : Petitioner.
Versus.
The State of Maharashtra and anr. : Respondents.

Mr. Abhilesh Chitre i/by Ms. Sonali Dalvi for the Petitioner.
Mr. Sukanta Karmakar, APP for the Respondent/State.
Mr. Mithilesh Mishra a/w Mr. Sunil Mane for the Respondent
No.2.
PI Sachin Bandgar (IO) present.
PSI Nitin Kamble (Pairavi officer) Amboli Police Station,
Mumbai present.

CORAM : ASHWIN D. BHOBE, J.

DATED : 22 APRIL 2026

PC:-

1. Heard Mr. Abhilesh Chitre learned Advocate for the Petitioner, Mr. Sukanta Karmakar, learned APP for the Respondent/State and Mr. Mithilesh Mishra, learned Advocate for Respondent No.2.

2. This Petition under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is filed by the Petitioner for quashing the FIR bearing C. R. No. 1206 of 2025, dated 16 December 2025,

registered with Amboli Police Station (impugned FIR) for offences punishable under Sections 69, 79 and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

3. Mr. Abhilesh Chitre learned Advocate for the Petitioner and Mr. Mithilesh Mishra learned Advocate for the Respondent No.2, submit that the Petitioner and the Respondent No.2 were friends who had formed a Limited Liability Partnership and were carrying on business in the name and style “Code Estate Corp LLP”, which LLP had been operational since 06 July 2023. They submit that during the tenure of the said business, the Petitioner and the Respondent No.2 developed a personal relationship, including a consensual physical relationship. They submit that, during the course of the business, disputes regarding finance and other personal matters arose between them. They submit that the said dispute led the Respondent No.2 to file a complaint, which was registered as the impugned FIR. They submit that the Petitioner and the Respondent No.2 have amicably resolved their misunderstandings and all disputes pertaining to the business (LLP) as well as personal matters. They submit that in view of the settlement and the parties having reconciled their differences and now continuing to be friends, the Respondent No.2 has affirmed an Affidavit dated 22 April 2026, narrating all the said facts and giving her no objection to the quashing of the impugned FIR. They, therefore, request the quashing of the impugned FIR.

4. Petitioner is present in the Court and is identified by his Advocate Mr. Abhilesh Chitre. He tenders the Photostat copy of the Petitioner's Identity Card, which is taken on record and marked as "X" for identification.

5. Respondent No.2 is present in the Court and is identified by her Advocate Mr. Mithilesh Mishra. He tenders the Photostat copy of Respondent No.2's Identity Card, which is taken on record and marked as "X-1" for identification.

6. Mr. Mithilesh Mishra, learned Advocate for the Respondent No.2, states that the Affidavit dated 22 April 2026, affirmed by Respondent No.2 before the Notary T. C. Kaushik, Chandivali, Andheri (E) Mumbai is placed on record, the same is marked as "X-2" for identification.

7. Respondent No. 2 states that the said Affidavit (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 (X-2) are as per her say. Respondent No. 2 states that she and the Petitioner had a personal relationship and were friends, carrying on the business in the name and style "Code Estate Corp LLP". She states that her physical relationship with the Petitioner was consensual. She states that the misunderstanding arising from personal issues and disputes relating to the LLP business prompted her to file the complaint with the police. She submits that the misunderstanding and all the disputes between her and the Petitioner have been amicably resolved and she has no

grievance against the Petitioner. She states that the settlement of the disputes has restored her friendship with the Petitioner. She states that she wants to settle in her life and therefore does not want to continue with the criminal proceedings. She categorically states that she would not be supporting the prosecution case. She reiterates her no objection to the quashing of the criminal proceedings. She, therefore, requests the quashing of the impugned FIR. She refers to paragraphs 3 to 10 of her Affidavit (X-2) which are transcribed herein below in verbatim :-

“3. I state that the Petitioner and I were previously associated in business and had jointly incorporated Code Estate Corp LLP on 6th July 2023, pursuant to which an LLP Agreement dated 7th July 2023 was executed between us governing the affairs of the partnership. The LLP was established for carrying on the business of real estate brokerage, consultancy and facilitation of property transactions under the brand name "Code Estate."

4. During their tenure as partners, and by virtue of working together in close proximity, the Parties developed a personal relationship along with a consensual physical relationship. During the course of such relationship, certain disputes and differences arose between them.

5. I state that the complaint which resulted in registration of C.R. No. 1206 of 2025 on 16th December 2025 with Amboli Police Station, Mumbai came to be lodged by me in the background of the aforesaid disputes between the parties at the relevant time, owing to the strained relations and misunderstandings which had arisen between the parties.

6. I say that the Parties have amicably resolved all misunderstandings and have arrived at a full and final settlement of all disputes and differences between them as per the terms of the settlement agreement dated 18th April 2026. A copy of the said settlement agreement is annexed to this affidavit as EXHIBIT I.

7. I say that in view of the above circumstances

and in order to bring quietus to all disputes between the parties, and with the intervention of well-wishers, I now wish to amicably resolve the dispute in connection with C.R. No. 1206 of 2025.

8. *I further state that I have carefully considered the circumstances surrounding the lodging of C.R. No. 1206 of 2025 registered on 16 ^ (1) December 2025 with Amboli Police Station, Mumbai, and I believe that continuation of the said criminal proceedings would only prolong the disputes between the parties and would not serve any useful purpose.*

9. *Accordingly, out of my own free will, consent and volition, I have agreed to cooperate with the Petitioner in bringing the present criminal proceedings to an end and I hereby state that I have no objection whatsoever if this Hon'ble Court is pleased to quash and set aside C.R. No. 1206 of 2025 registered on 16th December 2025 with Amboli Police Station, Mumbai and all consequential proceedings arising therefrom.*

10. *I hereby state that I withdraw from the allegations made by me in C.R. No. 1206 of 2025 registered on 16 ^ (3) December 2025 with Amboli Police Station, Mumbai and I do not wish to pursue the said criminal proceedings any further.”*

8. Mr Sukanta Karmakar, learned APP for the Respondent/State, submits that Respondent No. 2 and the Petitioner have now resolved and settled the disputes between her and the Petitioner, and having made statements today before this Court and in her Affidavit (X-2), Respondent No. 1 -State does not oppose the quashing of the impugned FIR. However, Mr. Sukanta Karmakar learned APP was at pains to state that the parties take criminal proceedings for granted. To clarify, he states that Respondent No. 2, who on 16 December 2025 made allegations against the Petitioner, has now filed her Affidavit (X-2), stating that the commercial dispute and

the misunderstanding between her and the Petitioner, arising out of personal issues, have been resolved. He again states that he does not come in the way of the quashing of the impugned FIR and the impugned FIR be quashed, however, as a deterrent for parties from taking criminal proceedings for granted, he insists on the imposition of exemplary costs of Rs. 1,00,000/- each on the Petitioner as well as Respondent No.2, for two reasons, first, for unnecessarily dragging such a dispute to the police and setting the police machinery in motion and second, for wasting the precious time of the Court, which include this Court as well as the Sessions Court. Mr. Sukanta Karmakar, learned APP is justified in his contentions.

9. Mr. Abhilesh Chitre and Mr. Akhilesh Mishra, on instructions from the Petitioner and the Respondent No.2, state that the costs as suggested by Mr. Sukanta Karmakar, learned APP for the Respondent/State, shall be paid.

10. From the submissions made by Mr. Abhilesh Chitre and Mr. Akhilesh Mishra, the statements made by Respondent No. 2 before this Court, and the statements made by her in the Affidavit (X-2), where she has admitted the physical relationship with the Petitioner to be consensual, indicate that a personal matter and a commercial dispute between Respondent No. 2 and the Petitioner were given a criminal

veneer by Respondent No. 2. Said dispute is now resolved, as evident from the facts mentioned hereinabove. Respondent No. 2 has stated that she wants to settle in life. Respondent No. 2 has made a clear and unqualified statement before this Court that she will not support the prosecution case, which would render the criminal proceedings futile and result in the taking of valuable time of the Trial Court as well as the prosecution, time that can be utilised for adjudication of other cases.

11. The Hon'ble Supreme Court in the case of *Madhukar Vs. State of Maharashtra*¹ has observed as under :-

"6. At the outset, we recognise that the offence under Section 376 IPC is undoubtedly of a grave and heinous nature. Ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. However, the power of the Court under Section 482 CrPC to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case."

12. In the wake of the above, no useful purpose will be served by allowing the criminal prosecution to continue. Having regard to the pronouncements of the Hon'ble Supreme Court in *Gian Singh vs State of Punjab*², *Narinder Singh and Ors vs State of Punjab and Anr*³ and *Parbatbhai Aahir @ Parbatbhai vs The State of Gujarat*⁴, there is no impediment in allowing this Writ Petition.

¹ 2025 SCC OnLine SC 1415

² 2012 10 SCC 303

³ 2014 6 SCC 466

⁴ 2017 9 SCC 641

13. In view of the above, subject to Petitioner paying costs of Rs. 1,00,000/- and Respondent No.2 paying costs of Rs. 1,00,000/-, this Petition is allowed in terms of prayer clause (a). Payment of costs is a condition precedent. Consequently, the impugned FIR is quashed.

14. The Petitioner and the Respondent No. 2 shall deposit their respective costs within two weeks from today and file the compliance affidavit with proof of deposit in the Registry of this Court on or before 08 May 2026.

15. The Petitioner and the Respondent No. 2 shall deposit their respective costs in :-

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001.

16. The Criminal Writ Petition No.525 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)