

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 767 OF 2026

Suraj Sangamlal Shukla And Anr. ... Petitioners

V/S.

State Of Maharashtra And Ors. ... Respondents

Mr. Rabindra Kumar Yadav, for the Petitioner.

Petitioner Nos. 1 and 2 are present in Court.

Mr. S. H. Singh, for the Respondents.

Respondent Nos. 2 and 3 are present in court.

Mr. Sukanta Karmakar, APP for the Respondent – State.

API Kishor T. More, Mira Road Police Station, is present.

CORAM : ASHWIN D. BHOBE, J.

DATE : 23rd FEBRUARY, 2026.

P.C. :

1. Heard Mr. Rabindra Kumar Yadav, learned Advocate for the Petitioners, Mr. Sukanta Karmakar, learned APP for the Respondent - State and Mr. S. H. Singh, learned Advocate for Respondent Nos. 2 and 3.

2. At the outset Mr. Rabindra Kumar Yadav, learned Advocate for the Petitioners craves leave to amend the prayer clause of the

Petition to add the details of the chargesheet which are lacking in the prayer clause. Request made by Mr. Rabindra Kumar Yadav, not objected to by Mr. S. H. Singh, learned Advocate for Respondent Nos. 2 and 3 and Mr. Sukanta Karmakar, learned APP Amendment be carried out forthwith.

3. This Petition under Article 226 of the Constitution of India and under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is preferred by the Petitioners for quashing the FIR bearing No. 05 of 2025 dated 3rd January, 2025, registered with Mira Road Police Station and the chargesheet dated 21st February, 2026 registered as R.C.C. No. 239 of 2026 before the learned Trial Court, Mira Road, Mumbai.

4. Petitioners are present in Court and are identified by their Advocate Mr. Rabindra Kumar Yadav. He tenders the Photostat copies of the Identity Cards (2 Nos.) of the Petitioners, which are taken on record and marked as **“X-Colly”** for identification.

5. Respondent Nos. 2 and 3 are present in the Court and are identified by their Advocate Mr. S. H. Singh. He tenders the

Photostat copy of Identity Card of Respondent Nos. 2 and 3, which are taken on record and marked as “X-1” for identification.

6. Mr. Rabindra Kumar Yadav and Mr. S. H. Singh submit that the private contractual dispute between the Petitioners and the Respondent Nos. 2 and 3 is amicably resolved. They submit that the subject matter of the impugned FIR does not involve any public money or any amount pertaining to public institutions or financial institutions. They submit that upon the resolution, the Petitioners have paid the amount due and payable to the Respondent Nos. 2 and 3. They therefore submit that the Respondent Nos. 2 and 3 having settled the private contractual dispute, have given their no objection for quashing of the criminal proceedings initiated on their complaint.

7. Mr. S. H. Singh, states that the Affidavit dated 23rd February, 2026 affirmed by Respondent Nos. 2 and 3 before the Notary Dr. T. C. Kaushik is placed on record. Same is marked as “X-2” for identification.

8. Respondent Nos. 2 and 3 state that the said Affidavit (X-2)

is filed out of their own free will and without any pressure or coercion from any person. They state that the contents of the Affidavit (X-2) are as per their say. They reiterate their no objection for quashing of the criminal proceedings.

9. Mr. Sukanta Karmakar, learned APP submits that a purely contractual and commercial dispute was given a criminal flavor by the Respondent Nos. 2 and 3. He however submits that the Respondent Nos. 2 and 3 having amicably resolved the commercial dispute, the criminal proceedings which are subject matter of the impugned FIR and the chargesheet, may be quashed. He however insists on imposition of compensatory cost payable by the Petitioners and the Respondent Nos. 2 and 3.

10. Mr. Rabindra Kumar Yadav and Mr. S. H. Singh, on instructions from the Petitioners and Respondent Nos. 2 and 3 submit that they shall deposit appropriate cost.

11. Considering the aforesaid circumstances, the nature of dispute being a private dispute between the Petitioners and the Respondent Nos. 2 and 3, the matter being settled between the

Petitioners and the Respondent Nos. 2 and 3, the statement of Respondent Nos. 2 and 3 in the Affidavit (X-2), no useful purpose will be served by allowing the criminal proceedings to continue. Having regards to the pronouncements of the Hon'ble Supreme Court in the case of *Gian Singh vs State Of Punjab*¹, *Narinder Singh And Ors vs State Of Punjab And Anr*², *Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat*³ and *Madhavrao Jiwajirao Scindia & Ors. v/s. Sambhajirao Chandrojirao Angre & Ors.*⁴, there is no impediment in allowing this Petition.

12. In view of the above, Criminal Writ Petition No. 767 of 2026 is allowed in terms of prayer clause (a) subject to payment of costs of Rs. 75,000/- as condition precedent. Consequently, the impugned FIR bearing No. 05 of 2025 and the chargesheet registered as R.C.C. No. 239 of 2026 pending before the Trial Court, Mira Road, Mumbai are quashed.

13. The Petitioners shall deposit cost of Rs. 25,000/- in the below mentioned Account of the Central Police Welfare Fund

1 2012 10 SCC 303

2 2014 6 SCC 466

3 2017 9 SCC 641

4 (1998) 1 SCC 692.

within a period of two weeks from today.

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

14. The Respondent Nos. 2 and 3 shall deposit a cost of Rs. 50,000/- in the below mentioned Account of High Court Employees Medical Welfare Fund at Mumbai within a period of two weeks from today.

The High Court Employees Medical Welfare Fund at Mumbai	
Account No. :	000120110001337
Bank:	Bank of India
Branch:	Mumbai Main
IFSC Code:	BKID0000001

15. The compliance affidavit along with the proof of deposit be filed in the Registry of this Court on or before 18th March, 2026.

16. Writ Petition No. 767 of 2026 is allowed in above-said terms.

(ASHWIN D. BHOBE, J.)

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