

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 901 OF 2026

Patel Hamzah Mohamed Husain And Anr. ... Petitioners
V/S.

Manik Pradeep Mookhey And Anr. ... Respondents

Ms. Sheeba Khan a/w Shaba Khan, learned Advocate for the
Petitioner.

Patel Hamzah Hussain, Petitioner No. 1, is present in Court.

Shobhit Rajeev Sabharwal, Petitioner No. 2, present through VC.

Ms. Jayshree Choudhari, learned Advocate for the Respondent No.
1.

Mr. Prasanna Malshe, learned APP for the Respondent – State.

API Dharmaji, Oshiwara Police Station, Mumbai, is present.

CORAM : ASHWIN D. BHOBE, J.

DATE : 26th FEBRUARY, 2026.

P.C. :

1. Heard Ms. Sheeba Khan, learned Advocate for the
Petitioners, Mr. Prasanna Malshe, learned APP for the Respondent
– State and Ms. Jayshree Choudhari, learned Advocate for
Respondent No. 1.

2. This Petition under Article 226 of the Constitution of India,
1950 and under Section 528 of the Bharatiya Nagarik Suraksha
Sanhita, 2023 is preferred by the Petitioners for quashing of the

FIR dated 13.12.2025 bearing No. 1663 of 2025, (impugned FIR) registered with Oshiwara Police Station, for offences punishable under Section 117(2), and 3(5) of Bharatiya Nyaya Sanhita, 2023.

3. Petitioner No. 1 is present in Court. Petitioner No. 2 is present through VC. Petitioners are identified by their Advocate Ms. Sheeba Khan. She tenders the Photostat copy of the Identity Cards (2 Nos.) of the Petitioners, which are taken on record and marked as “**X-Colly**” for identification.

4. Respondent No. 2 is present in the Court and is identified by his Advocate Ms. Jayshree Choudhari. She tenders the Photostat copy of Identity Card of Respondent No. 2, which is taken on record and marked as “**X-1**” for identification

5. Ms. Jayshree Choudhari, states that the Affidavit dated 09.02.2026 affirmed by Respondent No.2 before the Registry of this Court is placed on record. The same is marked as “**X-2**” for identification.

6. Ms. Sheeba Khan and Ms. Jayshree Choudhari submit that

the subject matter of the dispute is a quarrel between friends which turned violent at the spur of the moment. They submit that the said quarrel resulted into a fight causing injuries to the Respondent No. 1. They submit that the Petitioners and the Respondent No.1 have now amicably resolved the dispute and reconciled their friendship. They rely on the paragraph nos. 2, 3 and 4 of the Affidavit (X-2) which reads as follows:

2. I say that the Petitioners are my old friends and due to some misunderstanding, disputes arose, which led to an accident thereby resulting in an injury to my leg. The Petitioners have apologized to me i.e. Respondent No. 1 and I have forgiven the Petitioners. I say and confirm that with the help and intervention of friends and well-wishers, we have amicably settled all our differences by way of mutual settlement & all the issues which arose earlier have been now resolved amicably amongst us. I further say that I have received an amount of Rs. 7,00,000/- (Rupees Seven Lakh Only) from the Petitioners, which was given in good gesture and towards my medical expenses only. I say that a compromise is duly affected between me and the Petitioners, for which we have already signed and executed a Settlement Deed/Memorandum of Understanding. In the light of aforesaid I am willing to abandon my allegations alleged in the said First Information Report vide No. 1663 of 2025 dated 13.12.2025, against the present Petitioners, for offences punishable under section 117(2) & 3(5) of

Bhartiya Nyay Sanhita, 2023 ("B.N.S.") presently lodged with the Oshiwara Police Station.

3. I say that I do not want to prosecute or depose against the Petitioners in any Court of Law as the matter has been amicably settled between us in light of our old friendship. I have no objection if the First Information Report vide No. 1663 of 2025 dated 13.12.2025, lodged with Oshiwara Police Station is quashed/ cancelled.

4. By way of the present Affidavit I say that I have no grievance or any grudge or any ill feelings towards Petitioners and whatever differences/issues expressed in the F.I.R. are no more in existence and the issued in the said F.I.R. is clarified, settled and resolved cordially between us.

7. Mr. Prasanna Malshe, learned APP for the State, submits that in view of the amicable settlement between the Petitioners and the Respondent No. 1, the statements made by the Respondent No. 1 in the Affidavit (X-2), the impugned FIR can be quashed subject to imposition of costs.

8. Ms. Sheeba Khan and Ms. Jayshree Choudhari, on instructions from the Petitioner and the Respondent No. 1 present in the Court submit that they would deposit appropriate cost.

9. From the facts as stated herein above by Ms. Sheeba Khan and Ms. Jayshree Choudhari read with the statements made by Respondent No. 2 in the Affidavit (X-2), chances of this matter going for trial much less conviction are bleak and therefore no useful purpose is likely to be served by allowing the continuation of the criminal proceedings. Perusal of the impugned FIR and material indicates that the accident occurred at the spur of the moment.

10. Considering the aforesaid circumstances, the nature of dispute being between friends who have since reconciled their differences, the matter being settled between the Petitioners and the Respondent No. 1, the statements of Respondent No. 1 in the Affidavit (X-2), no useful purpose is likely to be served by allowing the criminal prosecution 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 and *Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat*³ and there is no impediment in allowing this Petition.

1 2012 10 SCC 303

2 2014 6 SCC 466

3 2017 9 SCC 641

11. In view of the above, Writ Petition No. 901 of 2026 is allowed in terms of prayer clause (b) subject to payment of costs of Rs. 1,00,000/- as condition precedent. Consequently the impugned FIR dated 13.12.2025 bearing No. 1663 of 2025, registered with Oshiwara Police Station is quashed.

12. The Petitioners shall deposit a costs of Rs. 50,000/- in the below mentioned Account of the Armed Forces Battle Casualties Welfare Fund, within a period of two weeks from today.

Armed Forces Battle Casualties Welfare Fund	
Account No. :	90552010165915
Bank:	Canara Bank
Branch:	South Block, Defence Headquarters, New Delhi-110 011.
IFSC Code:	CNRB0019055

13. The Respondent No. 1 shall deposit a costs of Rs. 50,000/- in the below mentioned Account of the Armed Forces Battle

Casualties Welfare Fund, within a period of two weeks from today.

Armed Forces Battle Casualties Welfare Fund	
Account No. :	90552010165915
Bank:	Canara Bank
Branch:	South Block, Defence Headquarters, New Delhi-110 011.
IFSC Code:	CNRB0019055

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

15. Writ Petition No. 901 of 2026 is allowed in the above-said terms.

(ASHWIN D. BHOBE, J.)

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signed by
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KRISHNA
RODGE
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