

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 932 OF 2026

Sujankumar Badal Manzhi ... Petitioner
V/S.

The State Of Maharashtra ... Respondent

Mr. Aaditya Sharma, learned Advocate for the Petitioner.
Mr. S. V. Vishwakarma, learned Advocate for the Respondent No. 2.
Mr. Tanveer Khan, learned APP for the Respondent – State.
PSI Kalidas Dhaware, Pairavi Officer, L. T. Marg Police Station, is present.

CORAM : ASHWIN D. BHOBE, J.

DATE : 5th March, 2026.

P.C. :

1. Heard Mr. Aaditya Sharma, learned Advocate for the Petitioner, Mr. Tanveer Khan, learned APP for the Respondent - State and Mr. S. V. Vishwakarma, learned Advocate for Respondent No. 2.

2. 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 Petitioner for quashing the FIR dated 22nd

October, 2019 bearing No. 323 of 2019,(impugned FIR) registered with L. T. Marg Police Station for offences punishable under section 409 and 420 of the Indian Penal Code, 1860 and the Chargesheet registered as C.C. No. 56/PW/2020 pending before the Hon'ble Judicial Magistrate First Class 28th Court at Esplanade Mumbai.

3. Petitioner is present in Court and is identified by his Advocate Mr. Aaditya Sharma. He tenders the Photostat copy of the Identity Card of the Petitioner, which is taken on record and marked as “X” for identification.

4. Respondent No. 2 is present in the Court and is identified by his Advocate Mr. S. V. Vishwakarma. He tenders the Photostat copy of Identity Card of Respondent No. 2, which is taken on record and marked as “X-1” for identification.

5. Mr. S. V. Vishwakarma, states that the Affidavit dated 23rd January, 2026 affirmed by Respondent No. 2 before the Notary Shivabihari Raghunath Tiwari is placed on record. Same is marked as “X-2” for identification.

6. Respondent No. 2 states that the said Affidavit (X-2) is filed out of his own free will and without any pressure or coercion from any person. He states that the contents of the Affidavit (X-2) are as per his say. He reiterates his no objection for quashing of the criminal proceedings.

7. Mr. Aaditya Sharma and Mr. S. Vishwakarma, submit that the dispute between the Petitioner and the Respondent No. 2 was a private contractual dispute. To clarify, they submit that the Petitioner was required to make certain gold ornaments for the Respondent No. 2, which was defaulted by the Petitioner. It is on account of the said default in performing the work within time that resulted in the Respondent No. 2 filing the complaint. They submit that the said contractual dispute has been amicably resolved between the Petitioner and the Respondent No. 2. They point at page Nos. 131 to 135 of the Petition paper-book wherein they have entered into consent terms by which the Petitioner has provided the required gold ornaments as also an additional amount to the Respondent No. 2, as compensation. In view of the said settlement, the Respondent No. 2 has given his no objection for quashing of

the criminal proceedings at Affidavit X-2. They submit that the subject matter of the dispute does not involve any public funds or any amounts pertaining to any public institutions or financial institutions. They reiterate that the said subject matter of the impugned FIR was a pure contractual dispute between the parties.

8. Mr. Khan submits that a purely contractual and commercial dispute was given a criminal flavor by the Respondent No. 2. He however submits that the Petitioner and the Respondent No. 2 having resolved the commercial dispute, as referred in the consent terms dated 23rd January, 2026 and the Respondent No. 2 giving his no objection in the Affidavit X-2, he has no objection for quashing of the impugned FIR and the chargesheet arising out of the impugned FIR. He however insists for imposition of cost.

9. Mr. Aaditya Sharma, and Mr. S. Vishwakarma, on instructions from the Petitioner and Respondent No. 2 submit that they shall deposit appropriate cost.

10. The Hon'ble Supreme Court in the case of *Gian Singh vs State Of Punjab*¹, in paragraph No. 61, has observed as follows:-

¹ 2012 10 SCC 303

61) *The position that emerges from the above discussion can be summarised thus : the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and*

complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.

11. Considering the aforesaid circumstances and the submission of the learned Advocates, the nature of dispute being a private commercial dispute between individuals i.e. the Petitioner and the Respondent No. 2, the matter being settled between the Petitioner and the Respondent No. 2 and the statements of Respondent No. 2 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*², *Narinder Singh And Ors vs State Of Punjab And Anr*³, *Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat*⁴ and *Madhavrao Jiwajirao Scindia & Ors. v/s. Sambhajirao Chandrojirao Angre & Ors.*⁵, there is no impediment in allowing

² 2012 10 SCC 303

³ 2014 6 SCC 466

⁴ 2017 9 SCC 641

⁵ (1998) 1 SCC 692.

this Petition.

12. In view of the above, Criminal Writ Petition No. 932 of 2026 is allowed in terms of prayer clause (b) subject to payment of costs of Rs. 50,000/- (Rs. 25,000/- by the Petitioner and Rs. 25,000/- by the Respondent No. 2) as a condition precedent. Consequently, the impugned FIR dated 22nd October, 2019 bearing No. 323 of 2019, registered with L. T. Marg Police Station and the Chargesheet registered as C.C. No. 56/PW/2020 pending before the Hon'ble Judicial Magistrate First Class 28th Court at Esplanade Mumbai are quashed.

13. The Petitioner and the Respondent No. 2 shall deposit cost of Rs. 25,000/- each in the below mentioned Account of the Deepstambh Foundation Delhi within a period of two weeks from today.

Deepstambh Foundation Delhi	
Bank Name:	ICICI Bank
Account Name:	Deepstambh Foundation Delhi
Account No.:	697401700986

Account Type:	Savings
IFSC Code :	ICIC0006974
MICR Code :	425229003

14. The compliance affidavit along with the proof of deposit be filed by the Petitioner and the Respondent No. 2 in the Registry of this Court on or before 26th March, 2026.

15. Writ Petition No. 932 of 2026 is allowed in above-said terms.

(ASHWIN D. BHOBE, J.)

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