

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 952 OF 2026

Ebrahim Adam Chorwala & Anr. ... Petitioners

Versus.

The State of Maharashtra & Anr. ... Respondents

Mr. Mosin Naik, Advocate for Petitioners.

Mr. Satish Muley, Advocate for Respondent No. 2.

Mrs. P. P. Bhosale, APP for Respondent - State.

Mr. Pradeep Lad – API, Dongri Police Station, Mumbai.

Mr. Sopan Kadam – PSI, Dongri Police Station, Mumbai.

CORAM : ASHWIN D. BHOBE, J.

DATE : 13th MARCH, 2026

P.C. :

1. Heard Mr. Mosin Naik, learned Advocate for Petitioners, Mr. Satish Muley, learned Advocate for Respondent No. 2 and Mrs. P. P. Bhosale, learned APP for Respondent No. 1 - State.

2. This petition, under Article 226 of the Constitution of India and Section 482 of the Criminal Procedure Code, 1973, is filed by the Petitioners for quashing the FIR bearing No. 89 of

2026 registered with Dongri Police Station for offences punishable under Sections 296 and 351(3) of the Bhartiya Nyaya Sanhita, 2023.

3. Mr. Mosin Naik and Mr. Satish Muley submit that the subject matter of the impugned FIR is essentially a contractual dispute between the Petitioners, who are an Interior Designer engaged by Respondent No. 2, a Developer. They state that a dispute over a payment of Rs. 36,000/-, led to an altercation between the parties, which resulted in the filing of the impugned FIR. They further submit that the Petitioner and Respondent No. 2 have amicably resolved the matter, and Respondent No. 2 has given no objection to quashing the impugned FIR.

4. Petitioners are present in the Court and are identified by their Advocate Mr. Mosin Naik. He submits photostat copies of the two Identity Cards of Petitioners, which are taken on record and marked as “X-Colly” for identification.

5. Respondent No.2 is present in court and is identified by her advocate, Mr. Satish Muley. He submits the photocopy of

Respondent No.2's identity card, which is taken on record and marked as **"X-1"** for identification.

6. Mr. Satish Muley submits the Affidavit dated 13th March, 2026, affirmed by Respondent No.2 before Notary S. N. Dhange. This is placed on record and marked as **"X-2"** for identification.

7. Respondent No. 2 states that the said Affidavit **(X-2)** is filed of her own free will and without any pressure or coercion from anyone. She confirms that the contents of the Affidavit **(X-2)** are true and as stated by her. She reiterates her no objection to the quashing of the criminal proceedings. Paragraph Nos. 6 & 7 of the affidavit **'X-2'** are transcribed herein verbatim:-

"6. I say that since the dispute is primarily commercial and has been amicably resolved, no useful purpose would be served by allowing the prosecution to continue. The continuation of the criminal proceedings would be an exercise in futility, would constitute a grave abuse of the process of law, and waste the valuable time of this Hon'ble Court as well as the State police machinery.

7. I firmly believe that in the interest of justice, the FIR and all subsequent proceedings deserve to be quashed. The quashing of the FIR/Crime No 89 of 2026 will not be against public policy or public interest, as the dispute is essentially private in nature and does not have any detrimental effect on society at large."

8. Mrs. P. P. Bhosale, learned APP for the State, submits that the dispute between the Petitioners and Respondent No. 2, being settled as stated by Mr. Mosin Naik and Mr. Satish Muley, and the statements of Respondent No. 2 in the affidavit **(X-2)**, she has no objection to quashing the impugned FIR. However, she insists on the imposition of exemplary costs due to the Petitioners and Respondent No. 2 using police machinery to settle a contractual dispute.

9. Mr. Mosin Naik and Mr. Satish Muley, on instructions from the Petitioners and Respondent No. 2, state that appropriate costs will be paid.

10. Considering the facts mentioned above and the submissions of learned Advocates, the dispute is primarily contractual, which led to a minor altercation between the Petitioners and Respondent No. 2. Since the parties have resolved the dispute amicably and Respondent No. 2 has given No Objection in the affidavit **'X-2'**, continuing with the criminal proceedings would serve no purpose. Having regard to the rulings

of the Hon'ble Supreme Court in the cases of Gian Singh vs State Of Punjab¹, Narinder Singh And Ors. vs State Of Punjab And Anr², and Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat³, there is no hurdle to granting this Application.

11. In view of the above, this Petition is granted in terms of prayer clause 13(i), subject to payment of cost of Rs. 50,000/- each by the Petitioners and Rs. 50,000/- by Respondent No. 2, as a condition precedent. Consequently, the impugned FIR is quashed and set aside.

12. The Petitioners and Respondent No. 2 shall deposit Rs. 50,000/- each in the account mentioned below within three weeks from today and file a compliance affidavit with proof of deposit in the Court's Registry on or before 4th April 2026.

a] The Petitioners shall deposit an amount of Rs. 50,000/-each in :-

The High Court Employees Medical Welfare Fund at Mumbai

1 2012 10 SCC 303

2 2014 6 SCC 466

3 2017 9 SCC 641

Account No.: 000120110001337
Bank : Bank of India
Branch : Mumbai Main
IFSC Code : BKID0000001

b] The Respondent No.2 shall deposit the
costs of Rs. 50,000/- in:-

Central Police Welfare Fund
Account No: 914010029005759
Bank : Axis Bank Limited
Branch : Worli, Mumbai (M.H.), Mumbai - 400 025
IFSC Code: UTIB00000060

13. Criminal Writ Petition No. 952 of 2026 is disposed.

(ASHWIN D. BHOBE, J.)