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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 953 OF 2026

Aslam Abdul Rehman Patni ... Petitioner

Versus

The State of Maharashtra & Anr. ... Respondents

Mr. Satish Muley, Advocate for Petitioner.

Mr. Mosin Naik, 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. Satish Muley, learned Advocate for the Petitioner, Mrs. P. P. Bhosale, learned APP for the Respondent – State, and Mr. Mosin Naik, learned Advocate for Respondent No.2.

2. This petition under Section 226 of the Constitution of India and Section 428 of the Criminal Procedure Code, 1860, is filed by the petitioner for quashing the FIR bearing No. 88 of 2026,

dated 12.02.2026, registered with the Dongri Police Station for offences punishable under Sections 296 and 351(3) of Bhartiya Nyaya Sanhita, 2023. Subsequent Section 109 of BNS was added to the said crime (impugned FIR).

3. Mr. Satish Muley and Mr. Mosin Naik submit that the subject of the impugned FIR is primarily a contractual dispute between the Petitioner, a Developer, and Respondent No. 2, an Interior Designer engaged by the Petitioner. They submit that although one of the charges added later against the Petitioner is under Section 109 of BNS, the FIR does not specify the elements needed to prove that offence. They submit that there was neither any intention nor any attempt by the Petitioner to cause injury, nor was any injury inflicted on Respondent No. 2. They submit that a disagreement over a payment of Rs. 36,000/- led to a quarrel 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. They submit that the counter FIR bearing No. 89 of 2026 filed by the Petitioner

against Respondent No. 2, arising out of the same incident, is quashed.

4. Petitioner is present in the Court and is identified by his Advocate, Mr. Satish Muley. He submits photocopies of the Petitioner's Identity Cards, which are taken on record and marked as “X” for identification.

5. Respondent No. 2 is present in the Court and is identified by his advocate Mr. Mosin Naik. He submits a photocopy of Respondent No. 2's Identity Card, which is taken on record and marked as “X-1” for identification.

6. Mr. Mosin Naik submits the Affidavit dated 13th March, 2026, affirmed by Respondent No. 2 before Notary S. N. Dhange, which 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 his own free will and without any pressure or coercion from anyone. He states that the contents of the Affidavit (X-2) are as per his say. He reiterates his no objection to the quashing of the

criminal proceedings. He refers to paragraphs 5 to 9 of his Affidavit (X-2), which are reproduced below verbatim:-

“5. I say that the genesis of the dispute is a purely commercial transaction. The Petitioner had awarded a construction contract to my son, Ebrahim Haji Adam Chorwadwala. A dispute arose over the contractual amount payable, which led to heated exchanges and the registration of cross-FIRs. I confirm that the Petitioner has indeed registered FIR/Crime No. 89 of 2026, dated 12/02/2026 with Dongri Police Station under section 296 of BNS [Section 294 of IPC] and 351(3) (Section 506 of IPC)] of the BNS against me and my son under the same sections of the BNS.

6. I say that in view of the aforementioned cross-FIRs arising out of the same commercial transaction and considering our long-standing business and social relationship, the Petitioner and I, along with our respective family members, have mutually decided to put an end to all criminal proceedings initiated against each other to maintain peace and harmony.

7. I say that this settlement is voluntary, genuine and without any coercion, duress, or undue influence. I am filing this Affidavit in a clear and conscious state of mind, with full understanding that by consenting to the quashing of the FIR/Crime No 88 of 2026, dated 12/02/2026 registered with Dongri Police Station under section 296 of the BNS [Section 294 of IPC] and 351(3) [Section 506 of IPC] of the BNS, with additionally invoked section 109 of BNS, the criminal proceedings against the Petitioner will be terminated.

8. I say that since the dispute is primarily commercial and has been resolved, no useful purpose would be served by allowing the prosecution to continue. The continuation of the criminal proceedings, especially with the wrongly invoked Section 109 BNS, would not only be an exercise in futility but would also 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. I firmly believe that in the interest of justice, the FIR and all subsequent proceedings deserve to be quashed.

9. I say that the quashing of the FIR/Crime No 88 of 2026, dated 12/02/2026 registered with Dongri Police Station under section 296 of the BNS [Section 294 of IPC] and 351(3) [Section 506 of IPC] of the BNS, with

additionally invoked section 109 of BNS 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. The Hon’ble Supreme Court in Naushey Ali Vs. state of U. P.¹ in paragraph No. 23 has observed as follows :-

“23. Coming back to Laxmi Narayan [State of M.P. v. Laxmi Narayan, (2019) 5 SCC 688 : (2019) 2 SCC (Cri) 706], this Court has held that mere mention of Section 307IPC in the FIR or the charge-sheet should not be the basis for adopting a hands-off approach. It has further held that it would be open for the court to examine as to whether incorporation of Section 307IPC is there for the sake of it or whether there is evidence to back it. It has been held that the courts may go by the nature of injuries sustained; as to whether the injuries are inflicted on the vital/delicate parts of the body and the nature of weapon used. It has also been clarified that such an exercise would be permissible after investigation and filing of charge-sheet/framing of charges or during the trial (See para 15.4 of Laxmi Narayan [State of M.P. v. Laxmi Narayan, (2019) 5 SCC 688 : (2019) 2 SCC (Cri) 706] .)

9. Perused the impugned FIR and the records submitted in this petition. Although the Respondent No.1 has added section 109 of BNS, the material on record or the allegations in the impugned FIR do not establish the ingredients of section 109 of BNS. Furthermore, there are no injuries caused to, or even alleged to have been caused to, the Respondent No. 2. Mrs. P. P. Bhosale, learned APP was unable to identify any allegations in the complaint dated 12th February, 2026, that would attract the

¹ (2025) 4 SCC 78

ingredients of Section 109 of BNS.

10. Mrs. P. P. Bhosale, learned APP, however, submits that since the dispute between the Petitioner and Respondent No. 2 has been settled, she has no objection to the quashing of the impugned FIR. However, she insists on the imposition of exemplary costs on the Petitioner and Respondent No. 2 for utilising police machinery to settle a contractual dispute.

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

12. Considering the facts stated above, the submissions of the learned Advocate for the parties, the fact that the parties have amicably resolved the dispute between them which was mainly of a civil nature arising from a contractual disagreement, the absence of any ingredients to attract the offence punishable under Section 109 of BNS, the FIR filed by the Petitioner against Respondent No.2 arising from the same incident being quashed, and the statement made by Respondent No. 2 in affidavit 'X-2', no purpose

would be served in continuing with the criminal proceedings. Having regard to the pronouncements of the Hon'ble Supreme Court in the cases of Gian Singh vs State Of Punjab², Narinder Singh And Ors vs State Of Punjab And Anr³, and Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat⁴, there is no impediment to allowing this Petition.

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

14. The Petitioner and Respondent No. 2 shall deposit the costs of Rs. 55,000/- each in the below-mentioned Account within a period of three weeks from today and file in the Registry of this Court the compliance affidavit along with the proof of deposit on or before 4th April, 2026.

a] The Petitioner shall deposit an amount of Rs.

2 2012 10 SCC 303

3 2014 6 SCC 466

4 2017 9 SCC 641

50,000/- in :-

The High Court Employees Medical Welfare Fund at Mumbai

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

15. Criminal Writ Petition No. 953 of 2026 is disposed.

(ASHWIN D. BHOBE, J.)