

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 968 OF 2026

Nizzar Noorali Rangara & Ors.

...Petitioners

Versus.

The State of Maharashtra & Anr.

...Respondents

Mr. Manish M. Bohra a/w Ms. Neelofar Khan, learned Advocates for the Petitioners.

Petitioner Nos. 1 & 2 are present in the Court and Petitioner Nos. 3 & 4 are appearing through VC.

Ms. Pallavi N. Dabholkar, learned A.P.P. for the State/Respondent.

Mr. Jitendra H. Oak, learned Advocate for Respondent No. 2.

Mr. Nasruddin Gangani, Respondent No. 2 is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 6th MARCH 2026.

P.C. :

1. Heard Mr. Manish Bohra, learned Advocate for the Petitioners, Ms. Pallavi Dabholkar, learned A.P.P. for the State/Respondent, and Mr. Jitendra Oak, learned Advocate for Respondent No. 2.

2. This petition is filed by the Petitioners under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to quash the First Information Report bearing C. R. No. 72 of 2013 dated 06.08.2013 registered with EOW (corresponding C.R. No. 139 of 2013 registered with Dongri Police Station, Mumbai) ("Impugned FIR"), and the charge

sheet in Criminal Case No. 628/PW/2014 pending before the learned Additional Chief Judicial Magistrate, 19th Court, Esplanade, Mumbai, arising from the impugned FIR.

3. Petitioner Nos. 1 & 2 are present in the Court along with their Advocate Mr. Manish Bohra, while Petitioners Nos. 3 & 4 are appearing through Video Conference. Mr. Manish Bohra identifies all the Petitioners and submits photocopies of their Aadhaar Cards as proof of identity, which are taken on record and marked as “**X Colly**” for identification.

4. Respondent No. 2 is present in Court with his Advocate Mr. Jitendra Oak. Mr. Jitendra Oak identifies Respondent No. 2 and submits a photocopy of Respondent No. 2’s Aadhar Card as proof of identity, which is taken on record and marked as “**X-1**” for identification.

5. Mr. Jitendra Oak submits the Affidavit dated 21.02.2026, affirmed by Respondent No. 2 before Notary Advocate Mr. Sudhir P Kotak, Mumbai, along with copies of his PAN Card and two cheques. Affidavit along with the documents are taken on record and marked as “**X-2 Colly.**” for identification purposes. Respondent No. 2, who is present in court, states that he has filed the said Affidavit (X-2 Colly.) voluntarily and without any pressure, force, or coercion from anyone. He states that the contents of the Affidavit are per his say. He reiterates that the dispute between him and the Petitioners is amicably resolved, and as such, he gives No Objection to the quashing of the criminal proceedings. He refers to paragraphs 2 and 3 of his Affidavit (X-2 Colly.), which read as

follows :-

“2. The allegations in the complaint pertain to certain financial transactions allegedly entered into between Respondent No.2 and the Petitioners during the period 2010-2012, concerning alleged investment of funds, issuance of post-dated cheques and alleged misuse of amounts advanced.

3. I say that I do not wish to continue with the litigation hence myself and the original accused had talks with each other and both of us have decided to settle the dispute amicably on the condition that the original accused shall pay me an amount of Rs.10,00,000/- (In words Rs. Ten Lakhs through demand draft no. 000252 of 18th February 2026 drawn on I.C.I.C.I. Bank, Bandra West, Pali Hill Branch and Demand Draft No. 295628 dated 20th February 2026 on I.D.F.C. First Bank, Bandra West) towards the full and final settlement of the dispute, on the receipt of the amount the present Informant shall appear before the Hon'ble High Court for quashing of the offences by consent of both the parties.”

6. Mr. Manish Bohra and Mr. Jitendra Oak, relying on the affidavit (X-2 Colly.) filed by Respondent No. 2, submit that the subject matter of the impugned FIR is a private commercial dispute between the Petitioners and Respondent No. 2. They state that, due to the non-performance of their reciprocal obligations in relation to the said commercial dispute, Respondent No. 2 filed a complaint against the Petitioners. They further submit that the Petitioners and Respondent No. 2 have amicably resolved the commercial dispute, and therefore, Respondent No. 2, who is 78 years old and a person with a disability, does not intend to continue with the criminal proceedings. They submit that the subject matter of the impugned FIR does not involve any public money or amounts related to any public or financial institution or bank.

They request that the criminal proceedings be quashed and not continued.

7. Ms. Pallavi Dabholkar, learned A.P.P. for the State/Respondent, submits that the dispute, being purely commercial one, should not have been given the flavour of a criminal case. She states that the police machinery was set in motion based on the complaint filed by Respondent No. 2. She, however, states that the Petitioners and Respondent No. 2, having now resolved their commercial dispute and Respondent No. 2 giving his no objection for quashing the criminal proceedings, read with his statements in the Affidavit (X-2 Colly.), she has no objection to the quashing of the impugned FIR and charge-sheet. She, however, insists on imposing exemplary costs on the parties.

8. Considering the above facts and the submissions of the learned advocates, since the dispute is essentially of a civil nature, the private commercial dispute having being amicably settled between the Petitioners and Respondent No. 2, and the statements on oath in the affidavit (X-2 Colly.) filed by Respondent No. 2, no useful purpose will be served by continuing the criminal prosecution. Having regard to the pronouncements of the Hon'ble Supreme Court in the cases of *Gian Singh v/s. The State of Punjab and Another*¹, *Narinder Singh and Others v/s. State of Punjab and Another*² and *Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.*³, there is no impediment to allow this Criminal Writ Petition.

1. (2012)10 Supreme Court Cases 303.

2. (2014)6 Supreme Court Cases 466.

3. (2017) 9 SCC 641.

9. Mr. Manish Bohra, learned Advocate for the Petitioners on instructions from Petitioner Nos. 1 & 2, who are present in the Court and Mr. Jitendra Oak, learned Advocate for Respondent No. 2 on instructions from Respondent No. 2, who is present in the Court, state that appropriate costs would be paid.

10. In view of the above, Criminal Writ Petition is allowed in terms of prayer clauses (a) & (b) subject to payment of cost of Rs. 50,000/- by the Petitioners and Rs. 50,000/- by Respondent No. 2 as a condition precedent. Consequently, the impugned FIR bearing C. R. No. 72 of 2013 dated 06.08.2013 registered with EOW (corresponding C.R. No. 139 of 2013 registered with Dongri Police Station, Mumbai) and the charge-sheet bearing Criminal Case No. 628/PW/2014 pending before the Additional Chief Judicial Magistrate, 19th Court, Esplanade, Mumbai, arising out of the impugned FIR, are quashed.

11. Petitioners shall deposit cost of Rs. 50,000/- in the following account within a period of 3 weeks from today and furnish proof of deposit before the Registry of this Court by filing an Affidavit of compliance on or before 30.03.2026 :-

Bank Name	:	Axis Bank Limited
Branch Name	:	Worli, Mumbai (M.H.), Mumbai-400 025
Account Name	:	Central Police Welfare Fund, Director General MS, Mumbai
Account Number	:	914010029005759
IFSC Code	:	UTIB0000060

12. Respondent No. 2 shall deposit the cost of Rs. 50,000/- in the following account within a period of 3 weeks from today and

furnish proof of deposit before the Registry of this Court by filing an Affidavit of compliance on or before 30.03.2026 :-

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

13. Criminal Writ Petition No. 968 of 2026 is disposed of.

[ASHWIN D. BHOBE, J.]

GITALAXMI
KRISHNA
KOTAWADEKAR

Digitally signed by
GITALAXMI KRISHNA
KOTAWADEKAR
Date: 2026.03.16
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