

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

**WRIT PETITION NO. 969 OF 2026**

Nizzar Noorali Rangara & Anr.

...Petitioners

Versus.

The State of Maharashtra & Anr.

...Respondents

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

Petitioner Nos. 1 & 2 are present in the Court.

Mr. Sukanta A. Karmakar, 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.

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**CORAM : ASHWIN D. BHOBE, J.**

**DATE : 6<sup>th</sup> MARCH 2026.**

**P.C. :**

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

2. This Petition is preferred by the Petitioners under Article 226 of the Constitution of India and under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing of the First Information Report bearing C. R. No. 33 of 2014 dated 21.02.2014 registered with EOW (corresponding C.R. No. 28 of 2024 registered with Dongri Police Station, Mumbai) ("Impugned FIR") and the charge-sheet bearing Criminal Case No. 610/PW/2019

pending before the learned Additional Chief Judicial Magistrate, 19<sup>th</sup> Court, Esplanade, Mumbai, arising out of the impugned FIR.

3. Petitioner Nos. 1 & 2 are present in the Court along with their Advocate Mr. Manish Bohra. Mr. Manish Bohra identifies all the Petitioners and tenders photostat copies of their Aadhar Cards as photo identity proof, which are taken on record and marked as “**X Colly.**” for identification.

4. Respondent No. 2 is present in the Court along with his Advocate Mr. Jitendra Oak. Mr. Jitendra Oak identifies Respondent No. 2 and tenders photostat copy of Aadhar Card of Respondent No. 2 as photo identity proof, which is taken on record and marked as “**X-1**” for identification.

5. Mr. Jitendra Oak tenders Affidavit dated 27.02.2026 affirmed by Respondent No. 2 before the Notary Advocate Mr. Sudhir P. Kotak, Mumbai along with the copies of his PAN Card and two cheques. Same are taken on record and marked as “**X-2 Colly.**” for identification. Respondent No. 2, who is present in the Court, states that he has filed the said Affidavit dated 27.02.2026 (X-2 Colly.) out of his own free will and without any pressure, force or coercion from any person. He states that the contents of Affidavit (X-2 Colly.) are as per his say. He reiterates that the dispute between him and the Petitioners is amicably resolved, as such he gives No Objection for quashing of the criminal proceedings. He refers to paragraph nos. 2 & 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 18<sup>th</sup> February 2026 drawn on I.C.I.C.I. Bank, Bandra West, Pali Hill Branch and Demand Draft No. 295628 dated 20<sup>th</sup> 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 impugned FIR is a private commercial dispute between the Petitioners and Respondent No. 2. They submit that on account of non-performance of the reciprocal obligations under the said commercial dispute, resulted into Respondent No. 2 filing the complaint against the Petitioners herein. They submit that the Petitioners and Respondent No. 2 have amicably resolved the said commercial dispute and therefore, Respondent No. 2, who is 78 years of age and also a person with disability, does not intent to continue with the criminal proceedings. They submit that the subject matter of the impugned FIR does not involve any public money or any amount pertaining to any public institution or financial institution or bank. They therefore request that the criminal proceedings may not be continued and the same be

quashed.

7. Mr. Sukanta Karmakar, learned A.P.P. for the State/Respondent submits that the dispute being purely commercial dispute, ought not to have been given flavour of criminal case. He submits that the police machinery was put in motion on the basis of the complaint filed by Respondent No. 2. Sukanta Karmakar, learned A.P.P., 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 of the criminal proceedings read with his statements in the Affidavit (X-2 Colly.), the impugned FIR and the criminal proceedings arising out of the impugned FIR can be quashed. He however insists for imposition of exemplary costs on the parties.

8. Considering the above facts and the submissions of the learned Advocates, the nature of dispute essentially having a civil flavour, the private commercial dispute having being amicably settled between the Petitioners and Respondent No. 2 and the statements made on oath by Respondent No. 2 in the Affidavit (X-2 Colly.), no useful purpose will be served by allowing the criminal prosecution to continue. 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*<sup>1</sup>, *Narinder Singh and Others v/s. State of Punjab and Another*<sup>2</sup> and *Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.*<sup>3</sup>, there is no impediment to allow this Criminal Writ Petition.

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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 cost 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 as condition precedent. Consequently, the impugned FIR bearing C. R. No. 33 of 2014 dated 21.02.2014 registered with EOW (corresponding C.R. No. 28 of 2024 registered with Dongri Police Station, Mumbai) and the charge-sheet bearing Criminal Case No. 610/PW/2019 pending before the learned Additional Chief Judicial Magistrate, 19<sup>th</sup> Court, Esplanade, Mumbai, arising out of the impugned FIR, are quashed. Criminal proceedings against the Petitioners arising out of the impugned FIR are closed.

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 :-

**The High Court Employees Medical Welfare Fund at Mumbai**  
Account No.: 000120110001337  
Bank : Bank of India  
Branch : Mumbai Main  
IFSC Code : BKID0000001

12. Criminal Writ Petition No. 969 of 2026 is disposed of in the above said terms.

**[ASHWIN D. BHOBE, J.]**

GITALAXMI  
KRISHNA  
KOTAWADEKAR

Digitally signed  
by GITALAXMI  
KRISHNA  
KOTAWADEKAR  
Date:  
2026.03.16  
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