

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

WRIT PETITION NO. 985 OF 2026

Mr. Jose Revelino Paulo Jose Cabral & Ors. ...Petitioners

Versus

The State of Maharashtra & Anr. ...Respondents

Ms. Sartaj Shaikh, learned Advocate for the Petitioners.
Petitioner Nos. 1 to 4 are present in the Court.

Ms. Pallavi N. Dabholkar, learned A.P.P. for the State/Respondent.
Mr. Prajit Manjrekar a/w Mr. Rickin Dang & Mr. Atharva Utekar i/b
Ganesh & Co., learned Advocates for Respondent No. 2.
Respondent No. 2 is present in the Court.
PI Mr. Hanmant Kshirsagar attached to Govandi Police Station is present
in the Court.

**CORAM : ASHWIN D. BHOBE, J.
DATE : 24th MARCH 2026.**

P.C. :

1. Heard Ms. Sartaj Shaikh, learned Advocate for the Petitioners, Ms. Pallavi Dabholkar, learned A.P.P. for the State/Respondent No. 1 and Mr. Prajit Manjrekar, learned Advocate for Respondent No. 2.

2. This Petition is filed by the Petitioners under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 482 of the Criminal Procedure Code, 1973), seeking to quash the First Information Report bearing No. 224 of 2017 dated 17.10.2017, registered with Govandi Police Station, Mumbai ("Impugned FIR"), as well as the

charge-sheet bearing Criminal Case No. 1942/PW/2017 pending before the Metropolitan Magistrate, 57th Court at Kurla, Mumbai, arising out of the impugned FIR.

3. Ms. Sartaj Shaikh and Mr. Prajit Manjrekar submit that the subject matter of the impugned FIR was a commercial dispute between the Petitioners and Respondent No. 2. They submit that the Petitioners and Respondent No. 2 were engaged in competing businesses, which led to rivalry and the filing of the impugned FIR. They submit that the dispute has been amicably resolved through the execution of a Memorandum of Settlement (MOS) dated 09.01.2026, which is included on record at pages 43 to 51 of the petition paper-book. They submit that Respondent No. 2 has been financially compensated and has agreed to withdraw all criminal proceedings against the Petitioners. They submit that, since the dispute has been settled, Respondent No. 2 does not wish to pursue criminal proceedings and has submitted a No Objection Affidavit for quashing them. Therefore, they request that the criminal proceedings be quashed.

4. Petitioners are present in court with their Advocate Ms. Sartaj Shaikh. Ms. Shaikh identifies and submits photocopies of the Petitioners' Aadhar Cards as proof of identity, which are taken on record and marked as "**X Colly**" for identification.

5. Respondent No. 2 is present in court with her Advocate Mr. Prajit Manjrekar. Mr. Prajit Manjrekar identifies 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.

6. Mr. Prajit Manjrekar submits an Affidavit dated 04.03.2026, affirmed by Respondent No. 2 before Notary S. N. Dhanage, Fort, Mumbai, along with a copy of Demand Draft of Rs. 25,00,000/-. The documents are taken on record and marked as “X-2 Colly.” for identification. Respondent No. 2, who is present in court, states that she has filed the said Affidavit dated 04.03.2026 (X-2 Colly.) of her own free will and without any pressure, force, or coercion from anyone. She states that the contents of the Affidavit (X-2 Colly.) are as per her say. She reiterates that the dispute between her and the Petitioners has been amicably resolved, and she does not want to pursue the criminal proceedings initiated at her behest, therefore, she has no objection to the quashing of the criminal proceedings initiated at her instance. Respondent No. 2 refers to paragraph nos. 3 to 6 of her Affidavit (X-2 Colly.), which are transcribed herein below in verbatim :-

“3. I state that through well-wishers of the Parties, and to maintain peace and harmony, the Parties have mutually agreed and decided to amicably resolve all their differences and inter-se issues which have arisen between them including but not limited to the grievances more specifically as set out in the FIR/Chargesheet.

4. As full and final settlement, in terms of the Memorandum of Settlement dated 9th January, 2026, I have received a sum of Rs. 25,00,000/- (Rupees Twenty-Five Lakh Only) vide Demand Draft bearing no. 003216 dated 4th March, 2026 against all claims, allegations, and grievances arising out of the said FIR and the connected chargesheet. Hereto marked and annexed as Exhibit - A is a copy of the Demand Draft dated 4th March, 2026.

5. I state that have no further grievances against the Petitioners. I further undertake and confirm that I shall not be

raising any claims of file any proceedings against the Petitioner. I confirm, agree and give my no objection for quashing of the FIR No. 224 of 2017/Chargesheet vide C.C. No 1942/PW/2017 pending before the Ld. Metropolitan Magistrate, 57th Court at Kurla Mumbai vide FIR vide C.R. No 224 of 2017 for offences punishable under section 420, 408, 482, 465, 467, 468, 471, 34 of IPC.

6. I state that the Petitioners have not coerced me or unduly influenced me into executing this affidavit in any manner whatsoever, and the same is executed out of my own free will.”

7. Ms. Pallavi Dabholkar, learned A.P.P for the State/Respondent No. 1, submits that a commercial dispute was disguised as criminal proceedings, and the police machinery was set in motion. However, she states that, in view of the statements disclosed in the Memorandum of Settlement dated 09.01.2026 and based on the statements made by Respondent No. 2 in the Affidavit (X-2 Colly.), she does not oppose the quashing of the impugned FIR and related criminal proceedings. Nevertheless, she insists on imposing exemplary costs on the parties.

8. Ms. Sartaj Shaikh, learned Advocate for the Petitioners, and Mr. Prajit Manjrekar, learned Advocate for Respondent No. 2, on instructions from the Petitioners and Respondent No. 2, who are present in Court, state that the appropriate cost will be paid.

9. Considering the facts presented, the submissions made by the learned Advocates, the nature of the dispute being predominantly civil (commercial), the statements between the parties as evidenced in the Memorandum of Settlement dated 09.01.2026, the dispute having been amicably settled between the Petitioners

and Respondent No. 2, along with the statement of Respondent No. 2 of not proceeding with criminal proceedings and the no objection in her Affidavit (X-2 Colly.), 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 v/s. State of Gujarat and Anr.*³, there is no impediment to allow this Criminal Writ Petition.

10. In view of the above, the Criminal Writ Petition is allowed in terms of the prayer clause (b), subject to the payment of costs by the parties as a condition precedent. Consequently, the impugned FIR and the charge-sheet bearing Criminal Case No. 1942/PW/2017 pending before the Metropolitan Magistrate, 57th Court at Kurla, Mumbai, arising out of the impugned FIR, are quashed.

11. Petitioners shall deposit the cost of Rs. 25,000/- each in the following account within a period of two weeks from today and furnish proof of deposit before the Registry of this Court by filing an Affidavit of compliance on or before 15.04.2026 :-

The High Court Employees Medical Welfare Fund at Mumbai
Account No.: 000120110001337
Bank : Bank of India
Branch : Mumbai Main
IFSC Code : BKID00000001

1. (2012)10 Supreme Court Cases 303.
2. (2014)6 Supreme Court Cases 466.
3. (2017) 9 SCC 641.

12. Respondent No. 2 shall deposit the cost of Rs. 50,000/- into the following account within two weeks from today and shall provide proof of deposit to the Registry of this Court by filing an Affidavit of compliance on or before 15.04.2026.

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

13. Ms. Sartaj Shaikh, learned Advocate for the Petitioners, submits that the Petitioners will apply to the Magistrate for appropriate orders regarding the freezing of their bank accounts. Ms. Pallavi Dabholkar, learned A.P.P. for the State/Respondent submit that filing of the application before the Magistrate would be a proper course. If such an application is filed, the Magistrate should consider and dispose of it expeditiously.

14. Criminal Writ Petition No. 985 of 2026 is disposed of.

[ASHWIN D. BHOBE, J.]

GITALAXMI	Digitally signed
KRISHNA	by GITALAXMI
KOTAWADEKAR	KRISHNA
	KOTAWADEKAR
	Date:
	2026.03.25
	21:54:00 +0530