

lgc

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

CRIMINAL WRIT PETITION NO.1016 OF 2026

Anish Kunju Gopalan & Ors. : Petitioners.

Versus.

The State of Maharashtra & Anr. : Respondents

Mr Tanmay Kate a/w Advocates Vipul Dushing, Ashraf Kazi, Ashish Saxena, Navinya Gadiya, Prathamesh Galinde and Prajyot Shinde for the Petitioners.

Mr. Tanveer G Khan, APP for the Respondent/State.

Mr. Prashant Malik a/w Advocate S Sagavkar, Satish Ingale and Chandan Chaudhary for the Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 16 MARCH 2026

PC:-

1. This Petition is listed at Sr. No.84 on today's board. At the request of Mr. Tanmay Kate, learned Advocate for the Petitioners, and Mr. Prashant Malik, learned Advocate for Respondent No.2, this Petition is taken up out of turn.

2. Heard Mr Tanmay Kate, learned Advocate for the Petitioners, Mr Tanveer Khan, learned APP for the

Respondent/State, and Mr Prashant Malik, learned Advocate for Respondent No.2.

3. This petition under Article 226 of the Constitution of India and Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023, is filed by the Petitioners for quashing the FIR bearing No.36 of 2025, dated 31 January 2025 (impugned FIR), registered with Bavdhan Police Station for offences punishable under Sections 420 and 406 of the Indian Penal Code.

4. Mr. Tanmay Kate and Mr. Prashant Malik submit that the subject matter of the impugned FIR was a private dispute between the Petitioners and Respondent No.2 regarding their business. They submit that the dispute concerning a financial matter was the reason for Respondent No.2 filing the present complaint, which was registered as the impugned FIR. They submit that the Petitioners and Respondent No. 2 have amicably resolved their dispute. They mention that during the pendency of an Anticipatory Bail Application filed by the Petitioners before this Court, consent terms were entered into on 17 January 2026, under which an amount of Rs. One Crore was deposited in this Court in the said application. They submit that the Petitioners and Respondent No.2 have entered into Additional Consent Terms dated 16 March 2026. Mr Tanmay Kate and Mr Prashant Malik submit that the said consent terms are binding on the Petitioners and Respondent No.2. They submit that, in light of the settlement of the entire

dispute between the Petitioners and Respondent No.2, Respondent No.2 has no objection to quashing the criminal proceedings against the Petitioners. They submit that the amount involved in the impugned FIR does not relate to any public fund or any public or financial institution.

5. Petitioner No. 1 is present in court. Petitioners Nos. 2, 3, and 4 appear through V. G. The Petitioners are identified by their advocate, Mr. Tanmay Kate. He submits photocopies of the petitioners' identity cards, which are taken on record and marked as “**X-Colly**” for identification. The Petitioners, in the presence of their advocate, Mr. Tanmay Kate, confirm the execution of the consent terms dated 17 January 2026 and the additional consent terms dated 16 March 2026, and state that the entire dispute with Respondent No. 2 has been settled.

6. Respondent No.2 is present in court and is identified by his advocate, Mr. Prashant Malik. He submits a photocopy of Respondent No.2's Identity Card, which is taken on record and marked as “**X-1**” for identification. Respondent No.2 in the presence of his advocate, Mr Prashant Malik, admits to having entered a settlement with the Petitioners and signed consent terms dated 17 January 2026, and additional consent terms dated 16 March 2026, settling the entire dispute with the Petitioners. Additional consent terms dated 16 March 2026 are placed on record and marked with “**X-2**” for identification.

Respondent No.2 states that he has no objection to the quashing of the impugned FIR.

7. Mr. Tanveer Khan, learned APP for the Respondent/State, submits that the private commercial dispute between the Petitioners and Respondent No.2 has been resolved, as presented by Mr. Tanmay Kate and Mr. Prashant Malik. Since Respondent No.2 has given his no objection to quashing the impugned FIR, he does not oppose the quashing of the FIR. He states that commercial transactions were given a criminal flavour and that the police machinery was used improperly. He insists on the imposition of exemplary costs on both the Petitioners and Respondent No.2.

8. Considering the facts mentioned above, the submissions of the learned Advocates for both parties, the nature of the dispute being a purely commercial transaction between two parties, and the fact that it has been settled through consent terms dated 17 January 2026 and Additional Consent Terms dated 16 March 2026, along with the statement of no objection by Respondent No. 2 regarding the quashing of the impugned FIR, no useful purpose will be served by continuing the criminal proceedings. In light of the rulings of the Hon'ble Supreme Court in *Gian Singh vs State Of Punjab*¹, *Narinder Singh And Ors vs State Of Punjab And Anr*² and *Parbatbhai*

¹ 2012 10 SCC 303

² 2014 6 SCC 466

*Aahir @ Parbatbhai vs The State Of Gujarat*³, there is no impediment to granting this Petition.

9. Mr Tanmay Kate and Mr Prashant Malik, on instructions from the Petitioners and the Respondent No. 2, state that they shall pay appropriate costs.

10. This Petition is allowed in terms of the prayer clause (a), subject to the Petitioners paying Rs. 100,000/- each and Respondent No. 2 paying Rs. 100,000/- as costs, as a condition precedent. Consequently, the impugned FIR is quashed.

11. The Petitioners and Respondent No.2 shall deposit their respective costs into the accounts mentioned below within two weeks from today and shall file in the Court's Registry the compliance affidavit along with proof of deposit on or before 02 April 2026.

The Petitioners shall deposit Rs. 400,000/- in :-

**The High Court Employees Medical Welfare Fund at
Mumbai**

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

The Respondent No.2 shall deposit the amount of Rs. 100000/- in :-

³ 2017 9 SCC 641

Central Police Welfare Fund

Director General MS Mumbai

Account No: 914010029005759

Bank : Axis Bank Limited

Branch : Worli, Mumbai (M.H.), Mumbai - 400 025

IFSC Code: UTIB0000060

- 12.** The Writ Petition No.1016 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)