

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

WRIT PETITION NO. 1120 OF 2026

Manoj Kumar Girijashankar Tiwari

...Petitioner

Versus.

The State of Maharashtra & Anr.

...Respondents

Mr. Afsar Ansari, learned Advocate for the Petitioner.
Petitioner is present in the Court.

Ms. Poonam P. Bhosale, learned A.P.P for the State/Respondent.

Mr. Arjun Kadam a/w Ms. Neeta Patil i/b Mr. S. R. Nargolkar, learned
Advocates for Respondent No. 2.

Respondent No. 2 is present in the Court.

PSI Mr. Sunil Rane attached to Juhu Police Station, Mumbai is present in
the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 12th MARCH 2026.

P.C. :

1. Heard Mr. Afsar Ansari, learned Advocate for the Petitioner,
Ms. Poonam Bhosale, learned A.P.P for the State/Respondent and
Mr. Arjun Kadam, learned Advocate for Respondent No. 2.

2. This Petition is filed by the Petitioner 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. 50 of 2015 dated 08.02.2015, registered with
Juhu Police Station, Mumbai, for offences punishable under
Sections 447, 468, 470, 471, 420 & 427 read with 34 of the Indian
Penal Code, 1860, and Section 3 of the Maharashtra Prevention of
Defacement of Property Act, 1995 ("Impugned FIR"), as well as the

charge-sheet in Regular Criminal Case No. 2483/PW/2017 pending before the Metropolitan Magistrate, 10th Court at Andheri (East), Mumbai, including the order taking cognizance dated 27.09.2017 in the charge-sheet, arising out of the impugned FIR.

3. Mr. Afsar Ansari and Mr. Arjun Kadam submit that the subject matter of the impugned FIR concerns a private property dispute between the Petitioner and Respondent No. 2. They submit that this dispute was also the subject of Small Causes Suit No. 2232 of 2011 filed before the City Civil Court at Bombay, Borivali Division, Dindoshi. That Suit was dismissed, and an First Appeal (Stamp) No. 30471 of 2025 was filed against the dismissal before this Court. They submit that the Petitioner and Respondent No. 2 settled the subject matter of the suit before this Court in the said First Appeal by filing Consent Terms on 11.12.2025. They submit that the Court accepted these Consent Terms, and the First Appeal (Stamp) No. 30471 of 2025 was disposed of in accordance with them by order dated 12.12.2025. They submit that the subject of the impugned FIR does not involve any public money or amounts related to any public or financial institution or bank. Relying on the Affidavit of Respondent No. 2, they submit that, since the dispute has been settled, Respondent No. 2 has agreed to withdraw all criminal proceedings filed against the Petitioner. Therefore, they request that the criminal proceedings be quashed.

4. Petitioner is present in court with his advocate, Mr. Afsar Ansari. Mr. Afsar Ansari identifies and submits a photocopy of his Aadhar Card as photo ID proof, which is taken on record and marked as “X” for identification.

5. Respondent No. 2 is present in the Court with his advocate, Mr. Arjun Kadam. Mr. Kadam 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. Arjun Kadam submits an Affidavit dated 12.03.2026, affirmed by Respondent No. 2 before the Assistant Registrar of this Court. The same is taken on record and marked as "X-2" for identification. Respondent No. 2, who is present in court, states that he has filed the said Affidavit dated 12.03.2026 (X-2) of his own free will and without any pressure, force, or coercion from anyone. He states that the contents of the Affidavit (X-2) are as per his say. He reiterates that the dispute between him and the Petitioner has been amicably resolved, and he does not want to pursue the criminal proceeding commenced at his behest; therefore, he has no objection to the quashing of the criminal proceedings initiated at his instance.

7. Ms. Poonam Bhosale, learned A.P.P for the State/Respondent, submits that a private property dispute was converted into a criminal matter by Respondent No. 2. She submits that since the parties have resolved their private dispute, as evidenced by the Consent Terms dated 11.12.2025 filed in First Appeal (Stamp) No. 30471 of 2025 in Small Causes Suit No. 2232 of 2011 (Exhibit-C at Page Nos. 321 to 330 of the paper-book), and based on the statements made by Respondent No. 2 in the Affidavit (X-2), she does not object to the quashing of the impugned FIR and related criminal proceedings arising from it. However, she contends that the Petitioner and Respondent No. 2 have used police machinery to

settle a private score, and thus, she insists on imposing exemplary costs on the parties.

8. Mr. Afsar Ansari, learned Advocate for the Petitioner, and Mr. Arjun Kadam, learned Advocate for Respondent No. 2, on instructions from the Petitioner and Respondent No. 2, who are present in Court, state that the appropriate cost will be paid.

9. Considering the facts presented, since the dispute is primarily a civil matter and has been amicably settled between the Petitioner and Respondent No. 2 through Consent Terms dated 11.12.2025 filed before this court in First Appeal (Stamp) No. 30471 of 2025 in Small Causes Suit No. 2232 of 2011 (Exhibit-C at Page Nos. 321 to 330 of the paper-book), and since Respondent No. 2 has stated his intention not to proceed with the criminal case, along with the statements made on oath by Respondent No. 2 in his Affidavit (X-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 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 accordance with 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 R.C.C. No.

1. (2012)10 Supreme Court Cases 303.

2. (2014)6 Supreme Court Cases 466.

3. (2017) 9 SCC 641.

2483/PW/2017 pending before the Metropolitan Magistrate, 10th Court at Andheri (East), Mumbai, and the order taking cognizance dated 27.09.2017 passed therein, are quashed.

11. Petitioner shall deposit the cost of Rs. 25,000/- in the following account within a period of three weeks from today and furnish proof of deposit before the Registry of this Court by filing an Affidavit of compliance on or before 06.04.2026 :-

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

12. Respondent No. 2 shall deposit the cost of Rs. 25,000/- into the following account within three weeks from today and shall provide proof of deposit to the Registry of this Court by filing an Affidavit of compliance on or before 06.04.2026.

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. 1120 of 2026 is disposed of.

[ASHWIN D. BHOBE, J.]