

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

CRIMINAL WRIT PETITION NO.1224 OF 2026

Abbas Bootwala : Petitioner.
Versus
State of Maharashtra and anr. : Respondents.

Mr. Punit Gehi (Through V.C.) a/w Mr. Rabdul Rahman for the
Petitioner.

Ms. Pallavi N Dabholkar, APP for the Respondent/State.

Mr. Vishal Dhasade for the Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 17 March 2026

PC:-

1. Heard Mr. Puni Gehi (through V.C.), learned Advocate for the Petitioner, Ms. Pallavi Dabholkar, learned APP for the Respondent/State and Mr. Vishal Dhasade, learned Advocate for Respondent No.2.

2. This Petition under Article 226 of the Constitution of India and under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is preferred by the Petitioner for quashing the FIR bearing No.0771 of 2025 dated 16 November 2025 (impugned FIR) registered with Yerwada Police Station, Pune

for the offences punishable under Sections 417, 418, 465 and 468 of the Indian Penal Code.

3. The Petitioner is present in the Court and is identified by his Advocate Mr. Punit Gehi. He tenders the Photostat copies of the Petitioner's Identity Card, which is taken on record and marked as "X-Colly" for identification.

4. Respondent No.2 is present in the Court and is identified by his Advocate Mr. Vishal Dhasade. He tenders the Photostat copy of the Respondent No.2's Identity Card, which is taken on record and marked as "X-1" for identification.

5. Mr. Vishal Dhasade states that the Affidavit dated 02 March 2026 affirmed by Respondent No.2 before the Notary Daulat Ganpatrao Hinge is placed on record, the same is marked as "X-2" for identification.

6. Respondent No. 2 states that the said Affidavit (X-2) is filed out of his own free will and without any pressure or coercion from any person. He states that the contents of the Affidavit (X-2) are as per his say. He reiterates his no objection for quashing of the criminal proceedings.

7. Mr. Punit Gehi and Mr. Vishal Dhasade refer to and rely upon paragraphs 5, 6, 7 and 8 of the Affidavit (X-2) which are reproduced herein below in verbatim :-

5. I say that after discussions and deliberations, the disputes between myself and the Petitioner have been amicably resolved. Consent Terms have been executed between us recording the amicable settlement dated

17/02/2026 and 25/02/2026. Accordingly, on 17/02/2026 in a Special Civil Suit No.374/2018 in the matter between Mrs Shamim Bootwala vs Mr Arthur Fernandes, Mrs Henriatta Fernandes and Captain Radhkrishna Alevoor, duly signed Consent Terms have been filed in the Hon'ble Civil Judge, Sr Deivison, Pune. Both parties being present before it. The Hon'ble Court has taken on record the said Consent Terms filed along with the application and list of documents. Copy of the said Consent Terms dated 17/02/2026 entered upon us hereto annexed and marked as Annexure "A". Similarly, Consent Terms dated 25/02/2026 were also filed in RCS 907/2017 before the Civil Judge, PMC Court, Pune, which is hereto annexed and marked as Annexure "B". The Petitioner has undertaken to settle both the above cases.

6. I say that in view of the amicable settlement arrived at between the parties, no grievance or complaint now survives against the Petitioner in respect of the subject matter of FIR No. 0771/2025.

7. I hereby state that I have no objection whatsoever if FIR No. 0771/2025 dated 16/11/2025 registered with Yerwada Police Station, Pune and all consequential proceedings arising therefrom are quashed and set aside by this Hon'ble Court.

8. I further state that this affidavit is being executed voluntarily without any force, coercion, threat, undue influence or pressure from any person whatsoever."

8. Mr. Punit Gehi and Mr. Vishal Dhasade submit that the subject matter of the impugned FIR was the dispute in respect of two members of the society one was holding the post of chairman and other was the Member of the society. They submit that the dispute between the Petitioner and the Respondent No.2 arose in respect of use of the premises for commercial/residential purpose. The said dispute resulted in the Respondent No.2 filing a complaint against the Petitioner which got registered as the impugned FIR. They submit that

the said dispute between the Petitioner and the Respondent No.2 is amicably resolved between them and the Respondent No.2 has given his no objection for quashing of the criminal proceedings. They submit that the parties have in fact entered into consent terms in respect of the matter pertaining to the society. They submit that the dispute between the Petitioner and the Respondent No.2 was settled before the Civil Judge Senior Division Pune in Special Civil Suit No.374 of 2018 upon filing of consent terms. They tender a photostat copy of the consent decree dated 25 February 2026 passed by the Court in Special Civil Suit No.374 of 2018, the same is taken on record and marked X-3 for identification. They further tender consent terms by which the Petitioner as well as the Respondent No.2 have amicably resolved the matter, the same is taken on record and marked X-4 for identification. On the basis of aforesaid contentions they request for quashing of the impugned FIR.

9. Ms. Pallavi Dabholkar, learned APP for the Respondent/State submits that the dispute being between the two members of the same society, and the said members having amicably resolved the dispute which is evident from documents at X-3 and X-4 and statement made by the Respondent No.2 in his Affidavit (X-2), she has no objection for quashing of the impugned FIR. She however states that costs may be imposed on the Petitioner and the Respondent No.2 for using police machinery to settle the dispute which otherwise was of a civil nature.

10. Considering the above mentioned facts, the submissions of the learned Advocates for the parties, the nature of the dispute being civil in nature which dispute was settled in Special Civil Suit No.374 of 2018 and the no objection given by the Respondent No.2 in his Affidavit (X-2), no useful purpose would be served in continuing the criminal proceedings. Having regards to the pronouncements of the Hon'ble 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 Aahir @ Parbatbhai vs The State Of Gujarat*³, there is no impediment in allowing this Writ Petition.

11. In view of the above, Criminal Writ Petition No.1224 of 2026 is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25,000/- by the Petitioner and Rs.25,000/- by the Respondent No.2. Payment of costs is a condition precedent. Consequently, the impugned FIR is quashed.

12. The Petitioner and the Respondent No.2 shall deposit their respective costs in the below mentioned Account within a period of two weeks from today and file in the Registry of this Court the compliance affidavit along with the proof of deposit on or before 02 April 2026.

Account Name : Armed Forces Battle Casualties Welfare Fund
Account Number : 90552010165915

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

Bank Name : Canara Bank

Branch : South Block, Defence Headquarters New Delhi-
110011

IFSC Code : CNRB0019055

13. The Writ Petition/Criminal Application No.1224 of 2026
is disposed of.

(ASHWIN D. BHOBE, J.)