

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

WRIT PETITION NO. 1291 OF 2026

Debashish Pahan

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Pradyumna Sharma, learned Advocate for the Petitioner.

Mr. Tanveer G. Khan, learned A.P.P. for the State/Respondent.

Mr. Sandeep Gangatkar, learned Advocate for Respondent No. 2.

CORAM : ASHWIN D. BHOBE, J.

DATE : 24th MARCH 2026.

P.C. :

1. Heard Mr. Pradyumna Sharma, learned Advocate for the Petitioner, Mr. Tanveer Khan, learned A.P.P. for the State/Respondent and Mr. Sandeep Gangatkar, 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. 21 of 2026 dated 08.01.2026, registered with Mahim Police Station, Mumbai, for the offences punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to "Impugned FIR").

3. Mr. Pradyumna Sharma and Mr. Sandeep Gangatkar submit that subject matter of the impugned FIR is a commercial dispute between the Petitioner and Respondent No. 2. To clarify, they submit that Respondent No. 2 had engaged the services of Petitioner to undertake a website design. They submit that despite Respondent No. 2 paying the charges, the Petitioner failed to comply with the said job assigned to him. They submit that in view of the said fact, Respondent No. 2 filed the complaint against the Petitioner, which resulted in registration of the impugned FIR. They submit that the Petitioner and Respondent No. 2 have now amicably resolved the matter and the Petitioner has returned the entire amount received by him from Respondent No. 2. They submit that the said payment has been made by way of Demand Draft. They submit that in view of the payment, made by the Petitioner, Respondent No. 2 is not desirous to proceed with the criminal proceedings. Relying on the Affidavit of Respondent No. 2, they submit that, since the dispute has been settled and Respondent No. 2 has agreed to withdraw all criminal proceedings filed against the Petitioner, they therefore request that the impugned FIR be quashed.

4. Petitioner is present in the Court along with his Advocate, Mr. Pradyumna Sharma. Mr. Pradyumna Sharma identifies and submits a photocopy of Aadhar Card of the Petitioner as proof of identity, which is taken on record and marked as “X” for identification.

5. Respondent No. 2 is present in the Court along with her Advocate, Mr. Sandeep Gangatkar. Mr. Sandeep Gangatkar

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. Sandeep Gangatkar submits the Affidavit dated 18.02.2026, affirmed by Respondent No. 2 before the Notary Advocate Mr. Arun G. Deshmukh, Dadar (West), Mumbai. The same is taken on record and marked as "X-2" for identification. Respondent No. 2, who is present in the Court, states that she has filed the said Affidavit dated 18.02.2026 (X-2) of her own free will and without any pressure, force or coercion from anyone. She states that the contents of the Affidavit (X-2) are as per her say. She reiterates that the dispute between her and the Petitioner has been amicably resolved, and she does not want to pursue the criminal proceedings commenced at her behest. Therefore, she has No Objection for quashing of the criminal proceedings initiated at her instance.

7. Mr. Tanveer Khan, learned A.P.P. for the State/Respondent submits that the commercial dispute between Petitioner and Respondent No. 2 having been amicably resolved, Respondent No. 2 having given No Objection in her Affidavit (X-2), he does not object to the quashing of the impugned FIR. He however insists on imposing exemplary costs on the parties for using police machinery to settle a commercial dispute.

8. Mr. Pradyumna Sharma, learned Advocate for the Petitioner on instructions from the Petitioner, who is present in the Court, states that the appropriate cost will be paid.

9. Considering the aforementioned facts, the submissions of learned Advocates, the commercial dispute being amicably settled between the Petitioner and Respondent No. 2, Respondent No. 2 having stated her intention not to proceed with the criminal proceedings along with No Objection of Respondent No. 2 in her 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, subject to the payment of costs by the Petitioner as a condition precedent. Consequently, the impugned FIR, is quashed.

11. Petitioner shall deposit the cost of Rs. 25,000/- 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 the Affidavit of compliance on or before 15.04.2026 :-

Armed Forces Battle Casualties Welfare Fund

Bank Name	:	Canara Bank
Branch	:	South Block, Defence Headquarters, New Delhi-110011
Account Number	:	90552010165915
IFSC Code	:	CNRB0019055

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

12. Criminal Writ Petition No. 1291 of 2026 is disposed of.

[ASHWIN D. BHOBE, J.]

GITALAXMI
KRISHNA
KOTAWADEKAR

Digitally signed by
GITALAXMI KRISHNA
KOTAWADEKAR
Date: 2026.03.30
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