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

CRIMINAL WRIT PETITION NO.1478 OF 2026

Dilip Lalchand Porwal : Petitioner
Versus
State of Maharashtra and ors : Respondents.

Mr. Ajay Basutkar a/w Adv. Shruti Bedekar for the Petitioner.
Mr. V B Konde-Deshmukh, APP for the Respondent/State.
Mr. Dhvani J Jariwala a/w Adv. Abhinav Upadhyay for the
Respondent Nos. 2 and 3.

CORAM : ASHWIN D. BHOBE, J.

DATED : 02 APRIL 2026

PC:-

1. Heard Mr. Ajay Basutkar, learned Advocate for the Petitioner, Mr. V B Konde-Deshmukh, learned APP for the Respondent/State, and Mr. Dhvani Jariwala, learned Advocate for Respondent Nos. 2 and 3.

2. This petition under Article 226 of the Constitution of India and Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023, is filed by the Petitioner for quashing FIR No.73 of 2026 (impugned FIR) dated 21 January 2026, registered with Malad Police Station, Mumbai for the offences punishable under Sections 308(2), 316(2), 318(2), 318(3),

318(4), 329(3), and 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. Mr. Ajay Basutkar, learned Advocate for the Petitioner, and Mr. Dhvani Jariwala, learned Advocate for Respondent Nos. 2 and 3, submit that the subject matter of the impugned FIR relates to a commercial transaction, essentially a private dispute between the Petitioner and Respondent No. 3. They submit that the allegations in the FIR concern the non-performance of promises and reciprocal promises under the contract between the involved parties. They submit that the subject matter of the impugned FIR does not involve any public money or funds related to any public or financial institution. Furthermore, they state that, given the settlement between the Petitioner and Respondent No. 3, Respondent Nos. 2 and 3 have agreed to withdraw all criminal proceedings initiated by Respondent No. 2 against the Petitioner. They submit that Respondent Nos. 2 and 3 have given no objection by way of an Affidavit to the quashing of the impugned FIR. Therefore, they request that the impugned FIR be quashed.

4. The Petitioner, the Director of M/s. Leena Construction Private Limited, is present in the Court and is identified by his Advocate Mr. Ajay Basutkar. He tenders the photostat copy of Petitioner's identity card, which is taken on record and marked with "X" for identification.

5. Respondent No.2 (Mr. Amit Hasmukh Vasani) the Authorized Representative of the Respondent No.3 – AIKO Builders Pvt. Ltd., is present in Court and is identified by his Advocate, Mr Dhvani Jariwala. He tenders the Photostat copy of the Respondent No. 2's Identity Card, which is taken on record and marked with **"X-1"** for identification.

6. Mr. Dhvani Jariwala states that Mr. Nieraj Jayantilal Vora – Director of Respondent No.3 – Company – is present in Court and has been identified by him. He tenders a photocopy of the Identity proof of Mr. Nieraj Vora, which is taken on record and marked with **"X-2"**.

7. Mr. Dhvani Jariwala, learned Advocate for Respondent Nos. 2 & 3, states that the Affidavit dated 05 March 2026 of Respondent No. 2 (Amit Vasani)—the representative of Respondent No. 3 Company—affirmed before Notary Milind A. More, Malad (W), Mumbai-95, is on record, the same is marked with **"X-3"** for identification.

8. Mr Amit Vasani – Respondent No.2, states that he is authorised to represent the Respondent No.3, he is conversant with the facts and the records of the Respondent No.3, and has the required authority from the Respondent No.3 to appear, affirm and file the said Affidavit (X-3). Mr Dhvani Jariwala, learned Advocate for Respondent Nos.2 & 3, confirms the said statements made by Mr Amit Vasani – Respondent No.2.

9. Mr Amit Vasani-Respondent No.2, states that the statements in the said Affidavit (X-3) are in accordance with the records and instructions received from the Respondent No. 3. He submits that the statements in the said Affidavit (X-3) are true to his knowledge and as per his say. He states that the said Affidavit (X-3) is filed without any pressure or coercion from any person. He reiterates that he and the Respondent No. 3 has no objection to the quashing of the impugned FIR. He relies on Paragraph Nos. 1 to 6 of the Affidavit (X-3) which are transcribed herein below in verbatim :-

1. I am the Respondent No. 2 in the present Petition and the original Complainant in FIR No. 0073 of 2026 registered at Malad Police Station, Mumbai. I am the General Manager of M/s Aiko Builders Private Limited. I say that I am duly authorized by the said Company to represent it and to file this Affidavit of Consent on its behalf vide a Board Resolution passed by the Board of Directors of M/s Aiko Builders Private Limited in their meeting held on 19.01.2026. A copy of the said Board Resolution is annexed herewith and marked as Exhibit "A".

2. I say that I had filed a complaint against the Petitioner herein on behalf of my company regarding a commercial dispute arising out of a Development Agreement and subsequent modifications related to the land at Survey No. 17, C.T.S. No. 152 (A), Village Mire, Mira Bhayander. Based on my statement, the Malad Police Station registered the FIR No.73 of 2026 under Sections 308(2), 316(2), 318(2), 318(3), 318(4), 329(3), and 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. I say that during the pendency of the proceedings, the Petitioner and the Directors of Aiko Builders Pvt. Ltd. have entered into an amicable settlement. The parties have resolved all their commercial and civil disputes through mutual discussions and have executed aforesaid Deed of Confirmation dated 2nd February 2026 and Triparty Addendum of Agreement for Development dated 11th February 2026 (Exh B and C to the Petition).

4. I say that the dispute was predominantly of a civil and private nature and did not involve any harm to the public

at large.

5. I state that I have no grievance remaining against the Petitioner. I am no longer interested in pursuing the criminal prosecution against the Petitioner in FIR No. 0073 of 2026.

6. I state that I am giving my full and free consent for the quashing of the said FIR and all consequential proceedings arising therefrom. I say that I have no objection if this Hon'ble Court is pleased to quash the FIR No. 0073 of 2026 registered with Malad Police Station."

10. Mr. Dhvani Jariwala, learned Advocate for Respondent Nos. 2 & 3, states that the Affidavit dated 11 March 2026 of Mr. Nieraj Vora, the Director of Respondent No. 3 Company, affirmed before Notary Milind A. More, Malad (W), Mumbai – 95, is placed on record. The same is marked with “X-4” for identification.

11. Mr. Nieraj Vora, the Director of Respondent No.3 Company, states that Mr. Amit Vasani, Respondent No.2, is duly authorised to represent Respondent No.3 and sign the Affidavit (X-3). He states that Respondent No. 3 has settled the commercial dispute with the Petitioner and does not intend to continue the criminal case, therefore seeking to end it. Mr. Dhvani Jariwala, learned Advocate for Respondent Nos. 2 & 3, confirms the statements made by Mr. Nieraj Vora, the Director of Respondent No.3.

12. Mr Nieraj Vora states that the statements in the said Affidavit (X-4) are in accordance with the records of the Respondent No. 3 company. He states that the statements in the said Affidavit (X-4) are true to his knowledge and as per

his say. He states that the said Affidavit (X-4) is filed without any pressure or coercion from any person. He reiterates that the Respondent No. 3 company have no objection to the quashing of the impugned FIR. He relies on Paragraph Nos. 1 to 6 of the Affidavit (X-4) which are transcribed herein below in verbatim :-

1. I am Director in the Respondent No. 3 in the present Petition and the original Complainant in FIR No. 0073 of 2026 registered at Malad Police Station, Mumbai. I am the Director of M/s Aiko Builders Private Limited.

2. I say that I had filed a complaint against the Petitioner regarding a commercial dispute arising out of a Development Agreement and subsequent modifications related to the land at Survey No. 17, C.T.S. No. 152 (A), Village Mire, Mira Bhayander. Based on my statement, the Malad Police Station registered the FIR No.73 of 2026 under Sections 308(2), 316(2), 318(2), 318(3), 318(4), 329(3), and 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. I say that during the pendency of the proceedings, the Petitioner and the Directors of Aiko Builders Pvt. Ltd. have entered into an amicable settlement. The parties have resolved all their commercial and civil disputes through mutual discussions and have executed aforesaid Deed of Confirmation dated 2nd February 2026 and Triparty Addendum of Agreement for Development dated 11th February 2026 (Exh B and C to the Petition).

4 I say that the dispute was predominately of a civil and private nature and did not involve any harm to the public at large.

5-I state that I have no grievance remaining against the Petitioner. I am no longer interested in pursuing the criminal prosecution against the Petitioner in FIR No. 0073 of 2026.

6. I state that I am giving my full and free consent for the quashing of the said FIR and all consequential proceedings arising therefrom. I say that I have no objection if this Hon'ble Court is pleased to quash the FIR No. 0073 of 2026 registered with Malad Police Station."

13. Mr. V B Konde-Deshmukh, learned A.PP for the State/Respondent, states that a purely commercial transaction was given a cloak of criminal proceedings, and the police machinery was used to settle this dispute. He, however, submits that the Petitioner and Respondent No.3, having now resolved their private commercial dispute and Respondent No. 2 giving his No Objection for the quashing of the criminal proceedings read with his statements in the Affidavit (X-3), the impugned FIR can be quashed. He states that he has no objection to the quashing of the impugned FIR by consent of the parties. He, however, insists on imposing exemplary costs on the parties.

14. Mr. Ajay Basutkar, learned Advocate and Mr.Dhwani Jariwala, learned Advocate for the Respondent Nos.2 and 3, on instructions, submit that the Petitioner and Respondent No. 3 shall pay the appropriate costs.

15. Considering the aforesaid facts and the submissions of the learned Advocates, the dispute having a civil nature and being a private commercial transaction as stated by Mr. Ajay Basutkar and Mr. Dhwani Jariwala, the dispute having been amicably settled between the Petitioner and Respondent No. 3, as well as the statements made on oath by Mr. Amit Vasani – Respondent No. 2, and Mr. Nieran Vora – the Director of Respondent No. 3, in their Affidavits (X-3) and (X-4) and also the statements made before this Court, no useful purpose will

be served by continuing the criminal prosecution. Having regard to the pronouncements of the Hon'ble Supreme Court in the case of *Gian Singh vs State Of Punjab*¹ (see para 61), *Narinder Singh And Ors vs State Of Punjab And Anr*² (see para 29), and *Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat*³ (see para 16), there is no impediment to allowing this Criminal Writ Petition.

16. In view of the above, this Criminal Writ Petition is allowed in terms of prayer clause (a), subject to the Petitioner paying costs of Rs. 5,00,000/- and Respondent No. 3 paying costs of Rs. 5,00,000/- as a condition precedent. Consequently, the impugned FIR, is quashed.

17. The Petitioner and the Respondent No.3 shall deposit their respective costs in the accounts mentioned below within three weeks of today and file the compliance affidavit, along with proof of deposit, in the Registry of this Court on or before 24 April 2026. Payment of costs is a condition precedent:

a) The Petitioner shall pay costs of Rs.5,00,000/- in

Account Name : BCMG's Advocate Academy& Research Center
Account Number : 000120110001327
Bank Name : Bank of India

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

Branch Name : Mumbai Main Branch
IFS Code : BKID000001
Type of Account : Current Account

b) The Respondent No.3 shall pay costs of Rs.5,00,000/-
in:-

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

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

18. The Criminal Writ Petition 1478 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)