

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

CRIMINAL WRIT PETITION NO.1534 OF 2026

Hitesh @ Hitendra K. Jain : Petitioner
Versus
The State of Maharashtra and anr. : Respondents.

Mr. Suresh Sabrad a/w Mr. Amey C Sawant, Ms. Neha Parte, Mr. Pratik Sabrad and Adv. Eshwaree Kudalkar for the Petitioner.

Mr. Y M Nakhawa, APP for the Respondent/State.

Mr. Durgesh D Sarfare i/by Mr. Ashish N Phalke for the Respondent No.2.

PI Mr. Ajay Ghosalkar and PSI Kalidas N Dhaware of L. T. Marg Police Station present.

CORAM : ASHWIN D. BHOBE, J.

DATED : 07 APRIL 2026

PC:-

1. Heard Mr. Suresh Sabrad for the Petitioner, Mr. Y M Nakhawa, learned APP for the Respondent/State and Mr. Durgesh Sarfare, learned Advocate for the 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. 0194 of 2026 (impugned FIR) dated 22 February 2026, registered with L. T. Marg Police Station, Brihan Mumbai City.

3. Mr. Suresh Sabrad, learned Advocate for the Petitioner and Mr. Durgesh Sarfare, learned Advocate for the Respondent No.2, submit that the subject matter of the impugned FIR is a commercial dispute. They submit that the dispute pertains to purchase of commodity and payment of the same. They submit that in view of the delay in payment of the commodity received by the Petitioner, the Respondent No.2 lodged the complaint which was registered as impugned FIR. They submit that the Petitioner has paid all the amounts due and payable to the Respondent No.2. They submit that in view of the payment, the Petitioner as well as the Respondent No.2 have resolved their commercial dispute, and the Respondent No.2 has filed his Affidavit dated 17 March 2026 giving his no objection for quashing of the impugned FIR. They submit that Respondent No.2 does not wish to continue with the criminal proceedings.

4. The Petitioner present in the Court and is identified by his Advocate Mr. Suresh Sabrad. He tenders the Photostat copy of the Petitioner's Identity Card, which is taken on record and marked as "X" for identification.

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

6. Mr. Durgesh Sarfare, learned Advocate for the Petitioner, states that the Affidavit dated 17 March 2026, affirmed by

Respondent No.2 before the Notary Mrs. Snehal C Sawant, Fort, Mumbai is placed on record, the same is marked as "X-2" for identification.

7. Respondent No. 2, who is present in Court, states that he has received the entire amount due and payable by the Petitioner. He submits that in view of the receipt of the payment of the entire amount, he has no grievance against the Petitioner. He submits that the Petitioner has resolved the matter with the Respondent No.2, and therefore, has given his no objection in his Affidavit (X-2). He 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. Respondent No.2 states that he is not interested in continuing with the criminal proceedings and wants to end it. He relies on paragraph Nos. 5, 6 and 7 of the Affidavit (X-2) which are transcribed herein below in verbatim :-

"5. I say that there was misunderstanding between myself and petitioner; I further say that the entire dispute was a result of a communication gap and misunderstandings regarding business accounts and payment cycles inherent in the gold trade.

6. I say that infact settlement talks were initiated through the intervention of mutual friends and well-wishers of both families. I say that thereafter, I had also filed a No Objection dated 26.02.2026 in Bail Application No.669 of 2026 before the Id. Sessions Court, Mumbai and thereafter, Petitioner was granted bail vide order dated 05.03.2026.

7. I say that since we have no fully and finally settled all our differences and financial accounts, I have no grievance

of whatsoever against the Petitioner. I have voluntarily decided to give any consent for the quashing of the FIR bearing CR No.0194 of 2026 dated 22.02.2026 lodged at Respondent No.1 – Police Station.”

8. Mr. Y M Nakhawa, learned APP for the Respondent/State, submits that a commercial dispute which essential was recovery of amount was given a criminal flavour and police machinery was set in motion. He submits that in view of the settlement between the Petitioner and the Respondent No.2 and the statement made by the Respondent No.2 in the Affidavit (X-2), he has no objection for quashing the criminal proceedings, however, he insists for imposition of costs on the Petitioner and the Respondent No.2

9. Mr. Suresh Sabrad, learned Advocate for the Petitioner and Mr. Durgesh Sarfare, learned Advocate for the Respondent No.2, on instructions, submit that appropriate costs would be paid.

10. Considering facts mentioned herein above, the submissions of the learned Advocates for the parties, the nature of dispute being a pure commercial transaction between two contracting private parties, the matter being amicably resolved between the Petitioner and the Respondent No.2, the Respondent No.2 having received the amount payable to him and having given his no objection in the Affidavit (X-2), no useful purpose will be served by allowing the criminal prosecution to continue. 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 Petition.

11. In view of the above, Criminal Writ Petition is allowed in terms of prayer clause (a) subject to payment of Rs.50,000/- by the Petitioner and Rs.50,000/- 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 Accounts within a period of three weeks from today and file in the Registry of this Court the compliance affidavit along with the proof of deposit on or before 30 April 2026.

High Court Law Library

Bank : State Bank of India
Branch : Mumbai Main Branch
Account No.: 10996686636
IFS Code : SBIN0000300

13. The Writ Petition No.1534 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)

¹ 2012 10 SCC 303
² 2014 6 SCC 466
³ 2017 9 SCC 641