

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1548 OF 2026

Kersi Pestonji Cooper and ors. : Petitioners
Versus
The State of Maharashtra and anr. : Respondents.

Mr Kartik Garg a/w Mr. Ashwin Ankhad and Mr. Akshay Suresh for the Petitioners.
Mr. Y M Nakhawa, APP for the Respondent/State.
Mr. Rahul P Jain i/by Mr. Sandeep Kadam for the Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 07 APRIL 2026

PC:-

1. Heard Mr. Kartik Garg, learned Advocate for the Petitioners, Mr. Y. M. Nakhawa, learned APP for the Respondent/State and Mr. Rahul P Jain, learned Advocate for Respondent No.2.

2. This Petition under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is filed by the Petitioners for quashing the FIR bearing No. 0137 of 2026 (impugned FIR) dated 28 February 2026, registered with the Andheri Police Station, Mumbai.

3. Mr. Kartik Garg, learned Advocate for the Petitioners, and Mr. Raul Jain, learned Advocate for Respondent No.2, submit that the subject matter of the impugned FIR is a property-related dispute amongst the family members of the deceased Eruch Cooper pertaining to his estate. They submit that Petitioner No.1 is the brother-in-law of the deceased Eruch Cooper and Respondent No.2 is the daughter-in-law of the deceased Eruch Cooper. They submit that, in view of the property-related dispute, which includes movables as well as immovables, Respondent No.2 filed a complaint against Petitioner No.1, his wife Petitioner No.2, and their son Petitioner No.3. They submit that the family dispute pertaining to the properties of the deceased Eruch Cooper has been amicably resolved amongst the parties. They submit that, in view of the settlement, Respondent No.2 has given her no objection in the Affidavit dated 07 April 2026 for quashing of the impugned FIR.

4. Petitioner Nos. 1 and 2 are present in Court, whereas Petitioner No. 3 appears through V.C. The Petitioners are identified by their Advocate, Mr. Kartik Garg. He tenders photostat copies of the Petitioners' Identity Cards, which are taken on record and marked as "**X-Colly**" for identification.

5. Respondent No.2 is present in the Court and is identified by her Advocate Mr. Rahul Jain. He tenders the Photostat copy of the Identity Card of Respondent No.2,

which is taken on record and marked as “X-1” for identification.

6. Mr. Rahul Jain, learned Advocate for the Respondent No.2, states that the Affidavit dated 07 April 2026, affirmed by Respondent No.2 before the Notary S N Dhange, Fort, Mumbai is placed on record, the same is marked as “X-2” for identification.

7. Respondent No. 2 states that the property-related dispute pertains to the shares of the family members in respect of the estate of the deceased Eruch Cooper. She states that the dispute has been amicably resolved between the family members and all heirs of the deceased Eruch Cooper have received their respective shares, as such, she has no objection to the quashing of the criminal proceedings. She states that the heirs of the deceased Eruch Cooper have reconciled their differences. She states that the said Affidavit (X-2) is filed of her own free will and without any pressure or coercion from any person. She states that the contents of the Affidavit (X-2) are as per her say. She reiterates her no objection to the quashing of the criminal proceedings. Respondent No. 2 states that she is not interested in continuing the criminal proceedings and wishes to end them. She relies on paragraph Nos. 3 to 12 of her Affidavit (X-2), which are transcribed herein below in verbatim :-

3. I state that the aforesaid FIR came to be registered on account of certain disputes arising inter se between the legal heirs of late Mr. Kayomerd Eruch Cooper and the

Executors of the Last Will and Testament dated 6th March 2017 of late Mr. Eruch Kaikhushroo Cooper ("Deceased"). I further state that under the said Will, the joint beneficiaries of the estate are his grandsons, Mr. Zahan Kayomerd Cooper and Mr. Yohann Kayomerd Cooper, and I am the mother of the said beneficiaries.

4. I state that upon registration of the aforesaid FIR, Petitioner Nos. 1 and 2 preferred an Anticipatory Bail Application before the Learned Sessions Court at Dindoshi. During the pendency thereof, the parties, through the intervention of their respective advocates, have amicably resolved all disputes pertaining to the estate of the Deceased. The parties have accordingly executed Consent Terms dated 1st April 2026, recording the full and final settlement of all disputes.

5. I state that in furtherance of the said settlement, the Petitioners have handed over to the Investigating Officer two Demand Drafts aggregating to ₹1,28,15,744/- (Rupees One Crore Twenty-Eight Lakhs Fifteen Thousand Seven Hundred and Forty-Four Only), representing the amount referred to in the FIR and forming part of the entire estate of the Deceased as disclosed in the Probate Petition. The particulars thereof are as follows:

(i) Demand Draft No. 069491 dated 20/03/2026 in favour of Mr. Zahan Kayomerd Cooper for Rs.64,07,872/-;

(ii) Demand Draft No. 069492 dated 20/03/2026 in favour of Mr. Yohann Kayomerd Cooper for Rs.64,07,872/--

6. I further state that the Petitioners have also handed over an additional sum aggregating to 226,00,000/- (Rupees Twenty-Six Lakhs Only) by way of two Demand Drafts in favour of the aforesaid beneficiaries towards interest on the estate from the date of demise of the Deceased till date. The particulars thereof are as follows:

(i) Demand Draft No. 068757 dated 30/03/2026 in favour of Mr. Zahan Kayomerd Cooper for Rs.13,00,000/-;

(ii) Demand Draft No. 068756 dated 30/03/2026 in favour of Mr. Yohann Kayomerd Cooper for Rs.13,00,000/-.

7. I further confirm that as per the direction of Learned Sessions Court at Dindoshi, the Investigation Officer received the aforesaid amount by way of Four Demand Drafts and deposited the same in both the beneficiaries account, after taking the banks acknowledgement and the said amount stands credited to the both the beneficiaries' respective account.

8. I state that the Petitioners have also handed over certain articles, as more particularly set out in Clause 9 of the Consent Terms.

9. I state that the total sum of 21,69,15,744/- (Rupees One Crore Sixty-Nine Lakhs Fifteen Thousand Seven Hundred and Forty-Four Only), together with the aforesaid articles already handed over, constitutes full and final settlement distribution and liquidation of entire estate of the Deceased.

10. I state that the disputes between the parties have been amicably resolved in terms of the Consent Terms annexed hereto as Exhibit "A". In view thereof, I state that I have no objection if the aforesaid FIR bearing C.R. No. 0137 of 2026 is quashed and set aside qua the present Petitioners.

11. I further state that I do not oppose the present Petition and consent to the same being allowed.

12. I state that this Affidavit is being executed by me voluntarily, out of my own free will, and without any coercion, undue influence or pressure of any nature whatsoever."

8. Mr. Y M Nakhawa, learned APP for the Respondent/State, submits that as the family dispute between the Petitioners and the Respondent No.2 has been resolved amongst them, as more particularly stated by the Respondent No.2 in her Affidavit (X-2), he has no objection to quashing the criminal proceedings. However, he insists on imposing costs on the Petitioners and the Respondent No.2 for unnecessarily dragging the police machinery into such a family dispute.

9. Mr. Kartik Garg, the Advocate for the Petitioners and Mr. Rahul Jain, Advocate for the Respondent No.2, on instructions, submit that appropriate costs would be paid.

10. Considering the facts mentioned above, the submissions of the learned Advocates for the parties, the nature of the dispute being a family matter relating to the distribution of the property left by the deceased Eruch Cooper, which is now settled amongst them, the Respondent No. 2 having given her no objection to the quashing of the impugned FIR, and the statements made by the Respondent No. 2 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 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 Application.

11. In view of the above, Criminal Writ Petition No.1548 of 2026 is allowed in terms of the prayer clause (a), subject to each of the Petitioners paying costs of Rs. 1,00,000/- and Respondent No.2 paying costs of Rs. 1,00,000/-. Payment of costs is a condition precedent. Consequently, the impugned FIR is quashed.

12. The Petitioners 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.

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

a] Each of the Petitioners shall deposit the amount of Rs.1,00,000/- in :-

High Court Law Library

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

b] The Respondent No.2 shall deposit the amount of Rs.1,00,000/- in:-

AAWI Generation Next

Account No: 000110110007807
Bank : Bank of India
Branch : Branch Mumbai Main Branch
IFSC Code: BKID0000001

13. The Criminal Writ Petition No.1548 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)