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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1770 OF 2026

Nilesh Hirachand Pagaris And Anr : Petitioners
Versus.
State of Maharashtra and anr. : Respondents.

Mr. Chetan Gogawale i/by Law Global Advocates for the
Petitioners.

Mrs. Geeta Mulekar, APP for the Respondent/State.

Mr. Hrishikesh S Shinde a/w Mr. Soumitra Jadhav for the
Respondent No.2

CORAM : ASHWIN D. BHOBE, J.

DATED : 20 APRIL 2026

PC:-

1. This Petition is listed on today's board at Sr. No.95. At 11.00 am, Mr. Chetan Gogawale, learned Advocate for the Petitioners, requested to take up this matter out of turn in view of the urgency. At this request, this Petition is taken up out of turn at 6.15 p.m.

2. Heard Mr. Chetan Gogawale, learned Advocate for the Petitioners, Mrs. Geeta Mulekar, learned APP for the Respondent/State and Mr. Hrishikesh Shinde, learned Advocate for the Respondent No.2.

3. This Petition under Article 226 of the Constitution of India and under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is preferred by the Petitioners for quashing the FIR bearing No. 203 of 2014 registered with the Dattawadi Police Station, Pune (impugned FIR), for offences punishable under Sections 420, 464, 471, 120-B and 34 of the Indian Penal Code, and the charge-sheet bearing RCC No. 1159 of 2024, pending before the JMFC Court No. 8, Pune.

4. Mr. Chetan Gogawale, learned Advocate for the Petitioners and Mr. Hrishikesh Shinde, learned Advocate for the Respondent No.2, submit that the subject matter of the impugned FIR is a commercial dispute between the Petitioners and the Respondent No.2 arising out of issues relating the property bearing Final Plot No.29-A (Old Plot No.25), C. S. No.2163 (Old S. No.138, Village Parvati), situated at Sadashiv Peth, Pune. They submit that the dispute, inter alia, concerned the consideration payable in respect of the purchase/sale of the said property. They submit that the dispute which is the subject matter of the impugned FIR was also the subject matter of Special Civil Suit No.558 of 2014, filed by the Petitioners against the Respondent No.2 before the Civil Judge, Senior Division, Pune. They submit that the said suit is settled in view of the compromise of the said commercial dispute between the Petitioners and the Respondent No.2, by filing a Consent Deed at Exhibit 59 in the said suit. They submit that the learned Civil Judge, Senior Division, Pune, accepted the consent terms at Exhibit 59 and on 13 February

2024 Decreed the Special Civil Suit No.558 of 2014 in terms of Exhibit 59. They submit that the Consent Terms and the Consent Decree are at page Nos. 240 to 251 of the paper book of this Petition. They submit that, in view of the settlement, the Respondent No. 2 has no grievance against the Petitioners. They submit that the Respondent No.2 has given his no objection to the quashing of the criminal proceedings in his Affidavit dated 16 April 2026. They therefore pray that the criminal proceedings be quashed.

5. The Petitioner No.1 appears through V.C. Petitioner No.2 is present in Court. The Petitioners are identified by their Advocate Mr Chetan Gogawale. He tenders the Photostat copies of the Petitioners' Identity Cards, which are taken on record and marked as "**X-Colly**" for identification.

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

7. Mr. Hrishikesh Shinde, learned Advocate for the Respondent No.2, states that the Affidavit dated 16 April 2026 affirmed by Respondent No.2 before the Notary Swati Arun Andalkar, is placed on record, the same is marked as "**X-2**" for identification.

8. 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 states that the dispute between him and the Petitioners is resolved in its entirety in Special Civil Suit No. 558 of 2014, and that the settlement terms have been acted upon and complied with by the Petitioners and him, therefore, he has no grievance whatsoever against the Petitioners. Respondent No. 2 states that she is not interested in the continuation of criminal proceedings against the Petitioners and wishes to have them terminated. He reiterates his no-objection to the quashing of the criminal proceedings and requests that the same be quashed. He relies on paragraph Nos. 4 to 6, which are transcribed herein below in verbatim :-

“4. I say that I have amicably resolved the differences and/or disputes which is in connection with a FIR 203 of 2014, the entire dispute between me and the petitioner arises out of a property transaction and non-payment/delayed payment of consideration. The dispute more particularly arises out of transaction arising out of sale deed dated 27-07-2012 land bearing no. 29-A admeasuring about 6,400 sq. ft. situated at CTS No. 2163 Sadashiv Peth, Pune 411 030. Consideration for sale was Rs. 6,00,00,000/- (Rupees Six Crores Only) where Rs. 5,00,000/- was paid in advance and Rs. 60,00,000/- was paid by demand draft and remaining payment of balance of Rs. 5,35,00,000/- through cheques. The entire transaction was between late Shri Hirachand Raichand Pagaria, the father of the present Petitioners. I say that I and the Petitioners have settled the dispute by filing the consent term dated 2'nd February. 2024 which was also recorded in the order dated 13 February, 2024 passed by the Addl. Judge, Small causes Court & CJJD, Pune.

5. The Petitioners have agreed to repay the balance amount in lieu by selling built-up saleable area to me in the building Of namely, 'Milestone Gloria'. Whereas, the Petitioners will bear all the expenses as to obtaining the completion certificate and/or any other expenses to complete the building.

6. I repeat, reiterate and confirm that since our grievances have been fully and completely satisfied and/or addressed, I do not wish to pursue the matter in any court of law and/or before any authority and/or forum. I say that I have no objection for quashing of FIR No. 203 of 2014 registered at my instance with Dattawadi Police Station, Pune and along with chargesheet arising out of the same FIR.”

9. Mrs. Geeta Mulekar, learned APP for the Respondent No.1 - State, submits that a pure commercial transaction was given a criminal veneer by the Respondent No.2, thereby setting the police machinery in motion. She, however, submits that in view of the settlement between the Petitioners and the Respondent No.2 as recorded in the Consent Terms filed in Special Civil Suit No.558 of 2014 and the statements made by the Respondent No.2 before this Court as well as in his Affidavit (X-2), Respondent No. 1-State has no objection to the quashing of the criminal proceedings. She, however, insists on the imposition of exemplary costs on the Petitioners as well as the Respondent No.2.

10. Mr. Chetan Gogawale, learned Advocate for the Petitioners and Mr. Hrishikesh Shinde, learned Advocate for the Respondent No.2, on instructions, submit that the appropriate costs would be paid.

11. Considering the facts mentioned above, the submissions of the learned Advocates for the parties, the order dated 13 February 2024 passed by the Civil Judge Senior Division, Pune, in Special Civil Suit No.558 of 2014, the statements made by Respondent No.2 before this Court as well as in his

Affidavit (X-2) and the subject matter of the impugned FIR being a pure commercial transaction between two contracting parties, which now stands settled, no useful purpose will be served by allowing the criminal prosecution to continue. Having regard 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 Petition.

12. In view of the above, this Writ is allowed in terms of prayer clause (a), subject to each Petitioner paying costs of Rs. 50,000/- and the Respondent No. 2 paying costs of Rs. 50,000/-. Payment of costs is a condition precedent. Consequently, the impugned FIR and the Charge-sheet arising out of the impugned FIR are quashed.

13. The Petitioners and the Respondent No. 2 shall deposit their respective costs in the Accounts mentioned below within four weeks from today and file the compliance affidavit, along with proof of deposit, in the Registry of this Court on or before 10 June 2026.

a] The Petitioners shall deposit the amount of costs in :-

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

Branch : Mumbai Main
IFSC Code : BKID0000001

b] The Respondent No.2 shall deposit the amount of costs
in:-

Central Police Welfare Fund
Director General MS Mumbai
Account No: 914010029005759
Bank : Axis Bank Limited
Branch : Worli, Mumbai (M.H.), Mumbai - 400 025
IFSC Code: UTIB00000060

14. The Writ Petition No.1770 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)