

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1784 OF 2026**

Mohammed Yusuf Chaudhary

... Petitioner

Versus

State Of Maharashtra And Anr.

... Respondents

Mr. Rahul Motkari a/w Manasi Pawar, for the Petitioner.

Mr. Dinesh Adsule, for the Respondent No. 2

Mr. Sukanta Karmakar, APP for the Respondent – State.

API Vinod Badak, Nhava Sheva Police Station, is present.

CORAM : ASHWIN D. BHOBE, J.

DATE : 17th April, 2026.

P.C. :

1. Heard Mr. Rahul Motkari learned Advocate for the Petitioner, Mr. Sukanta Karmakar, learned APP for the Respondent – State and Mr. Dinesh Adsule learned Advocate for the 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 Petitioner seeking to quash FIR No. 61 of 2011, dated 05.11.2011, registered with the Nhava Sheva Police Station (hereafter “*impugned FIR*”), for offences punishable under

Sections 406, 420, 465, 467, 468, and 471 of the Indian Penal Code, 1860 and the Chargesheet bearing R.C.C. No. 517 of 2012, pending trial on the file of the 2nd Judicial Magistrate First Class, Panvel.

3. Mr. Rahul Motkari and Mr. Dinesh Adsule submit that the subject matter of the impugned FIR is a commercial dispute between the Petitioner and the Respondent No. 2. To clarify, they submit that the Petitioner had entered into a sale agreement in respect of a property owned by the Respondent No. 2 and his family members. They submit that a dispute regarding the area and the amount payable under the sale Agreement led the Respondent No. 2 to file a complaint, which was registered as the impugned FIR. They submit that in respect of the subject matter of the impugned FIR, the Respondent No. 2 had filed a Special Civil Suit bearing No. 384 of 2012 before the Court of the Civil Judge, Senior Division, Panvel. They submit that the said Suit is disposed of in view of the settlement between the parties on consent terms. They refer to the order dated 20.12.2025 (at page no. 251 of the Petition paper book). They submit that, in view of the settlement

of the commercial dispute between the Petitioner and the Respondent No. 2, the Respondent No. 2 has given his no objection to the quashing of the Criminal proceedings against the Petitioner, by way of the Affidavit dated 07.04.2026. They submit that, in view of the consent decree dated 20.12.2025 passed in Special Civil Suit bearing No. 384 of 2012, the Respondent No. 2 is not interested in continuing with the criminal proceedings and therefore pray for the quashing of the impugned FIR and the chargesheet arising out of the impugned FIR.

4. The Petitioner is present in Court and is identified by his Advocate Mr. Rahul Motkari. He tenders photocopy of the identity card of the Petitioner, which is taken on record and marked as “X” for identification.

5. Respondent No. 2 is present in Court and is identified by his Advocate Mr. Dinesh Adsule. He submits a photocopy of Respondent No. 2’s identity card, which is taken on record and marked as “X-1” for identification.

6. Mr. Dinesh Adsule states that the Affidavit dated 07.04.2026,

affirmed by Respondent No. 2 before Notary Iqbal Patel, is filed in the Registry of this Court. He tenders a photocopy of the same, which is taken on record and marked as **“X-2”** for identification.

7. Respondent No. 2 states that he has filed the Affidavit (X-2) of his own free will, without any force or coercion from anyone. He states that the contents of the Affidavit (X-2) are true and as per his say. He states that the commercial dispute between him and the Petitioner, which is the subject matter of the impugned FIR and also the subject matter of the Special Civil Suit No. 384 of 2012, is amicably resolved by filing consent terms dated 20.12.2025 in Special Civil Suit No. 384 of 2012, on the basis of which the said Suit is disposed of. He submits that he does not wish to continue the criminal proceedings in light of the settlement of the entire commercial dispute. He reiterates his no objection to the quashing of the impugned FIR and the chargesheet.

8. Mr. Sukanta Karmakar learned APP for the Respondent – State, submits that a pure commercial dispute was cloaked in criminality and that the police machinery was set in motion when it was not required. He, however, submits that, since the Petitioner

and the Respondent No. 2 have settled the Special Civil Suit No. 384 of 2012, which was also in respect of the subject matter of the impugned FIR, Respondent No. 1 -State has no objection to the quashing of the impugned FIR and the chargesheet arising out of the impugned FIR. He, however, insists on the imposition of exemplary costs on the Petitioner and the Respondent No. 2.

9. Mr. Rahul Motkari and Mr. Dinesh Adsule, on instructions from the Petitioner and the Respondent No. 2, state that they shall pay appropriate costs.

10. Considering the facts mentioned hereinabove, the submissions of the learned Advocates, the nature of the dispute as purely commercial, the matter being settled between the Petitioner and the Respondent No. 2 by filing consent terms dated 20.12.2025 in Special Civil Suit No. 384 of 2012 and the statement of the Respondent No. 2 in his Affidavit (X-2), no useful purpose would be served by continuing the criminal proceedings.

11. Having regard to the pronouncements of the Hon'ble Supreme Court in the case of *Gian Singh vs State of Punjab*¹,

¹ 2012 10 SCC 303
Arjun

*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 Petition is allowed in terms of prayer clause (a), subject to payment of cost of Rs. 1,00,000/- each by the Petitioner and the Respondent No. 2. Payment of costs is a condition precedent. Consequently, the impugned FIR and the chargesheet arising out of the impugned FIR are quashed.

13. The Petitioner shall deposit the cost of Rs. 1,00,000/- in the account mentioned below within a period of two (2) weeks from today.

Account Name :-	High Court Law Library
Account Number :-	10996686636
Bank Name :-	State Bank Of India
Branch Name :-	Mumbai Main Branch
IFSC Code :-	SBIN0000300

² 2014 6 SCC 466

³ 2017 9 SCC 641
Arjun

14. The Respondent No. 2 shall deposit the cost of Rs. 1,00,000/- in the account mentioned below within two (2) weeks from today.

The High Court Employees Medical Welfare Fund at Mumbai	
Account No. :	000120110001337
Bank:	Bank of India
Branch:	Mumbai Main
IFSC Code:	BKID0000001

15. The compliance affidavit, along with the proof of deposit, shall be filed by the Petitioner and Respondent No. 2 in the Registry of this Court on or before 05.05.2026.

16. Writ Petition No. 1784 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)