

lgc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2296 OF 2026

Shamiuddin Jajauddin Shaikh & ors. : Petitioners
Versus.
State of Maharashtra and anr. : Respondents.

Mr. Ravishankar Dwivedi a/w Advocates Aditya Gole and
Satish Shukla, for the Petitioners.
Mrs. Rajeshree Newton, APP for the Respondent/State.
Mr. Sainath S Baji for the Respondent No.2.
WPSI Shital Patil, Nirmal Nagar Police Station, Mumbai
present.

CORAM : ASHWIN D. BHOBE, J.

DATED : 04 MAY 2026

PC:-

1. Heard Mr. Ravishankar Dwivedi learned Advocate for the Petitioners, Mrs. Rajeshree Newton, learned APP for the Respondent/State and Mr. Sainath Baji, 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. 665 of 2024, dated 30 November 2024, registered with Nirmal Nagar Police Station (impugned FIR), for offences

punishable under Sections 118(1), 115(2), 352, and 3(5) of the Bharatiya Nyaya Sanhita, and the Charge-sheet arising out of the impugned FIR.

3. Mr. Ravishankar Dwivedi learned Advocate for the Petitioners and Mr. Sainath Baji learned Advocate for Respondent No.2, submit that the subject matter of the impugned FIR is a dispute between the Petitioners and Respondent No.2 that arose at the spur of the moment. They submit that the said dispute has been amicably resolved between them through the intervention of friends. They submit that Respondent No.2 has affirmed an Affidavit dated 15 April 2026, stating his no objection to the quashing of the impugned FIR and the charge-sheet arising out of it. They further submit that the Petitioners and Respondent No.2 are young persons interested in building their careers and as such, they do not wish to continue with the criminal proceedings.

4. Mrs. Rajeshree Newton learned APP for the Respondent-State, submits that in view of the settlement arrived at between the Petitioners and Respondent No.2, who are young people, Respondent No.1-State does not object to the quashing of the impugned FIR and the charge-sheet arising out of it. She, however, submits that as the Petitioners and Respondent No.2 have involved the police machinery to settle their private dispute, costs be imposed on the Petitioners and Respondent No.2. She suggests the imposition of costs of

Rs.1,00,000/- on the Petitioners and Rs.1,00,000/- on Respondent No.2.

5. Petitioners are present in the Court and are identified by their Advocate Mr. Ravishankar Dwivedi. 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 his Advocate Mr. Sainath Baji. 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. Sainath Baji learned Advocate for Respondent No.2, states that Respondent No.2 has affirmed the Affidavit dated 15 April 2026 before the Notary R R Sharma, Mira Road (E), Thane. Mr. Sainath Baji states that he has personally filed the original Affidavit dated 15 April 2026 with the Registry of this Court. Statement accepted. A photostat copy of the Affidavit dated 15 April 2026 tendered by Mr. Sainath Baji is placed in this file and marked as “**X-2**” for identification.

8. Respondent No. 2 states that he has settled the dispute with the Petitioner and does not intend to continue the criminal proceedings. He states that he is pursuing his career and that the criminal proceedings are causing him discomfort. He states that in view of the compromise, he has given his no-objection in his Affidavit (X-2) for quashing the criminal proceedings. He states that he would not support the

prosecution's case. He states that the said Affidavit (X-2) is filed 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 relies on paragraph Nos. 2 and 3 of his Affidavit (X-2), which are transcribed herein below in verbatim :-

“2 I state and submit that, with the intervention of the other vicinity persons and friends, we have settled all the disputes with each other arose between me and the Applicants.

3. I have no objection if C. r. No.665 of 2024 registered with Nirmal Nagar Police Station under Section 118(1), 115(2), 352, 3(5) of Bhartiya Nyaya Sanhita, 2023, with Nirmal Nagar Police station be quashed.”

9. Mr. Ravishankar Dwivedi learned Advocate for the Petitioners and Mr. Sainath Baji learned Advocate for the Respondent No. 2, on instructions, submit that the costs suggested by Mrs. Rajeshree Newton, learned APP for the Respondent-State, will be paid.

10. Considering the facts mentioned above, the submissions of the learned Advocates for the parties, the Petitioner and Respondent No.2, who are young persons looking forward to settling their careers, the dispute between them being amicably settled and the statements of the Respondent No.2 before this Court and in his affidavit (X-2) indicating his clear intention not to support the prosecution case, no useful purpose will be served by allowing the criminal prosecution to continue.

11. 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, subject to Petitioners jointly paying costs of Rs. 1,00,000/- and Respondent No.2 paying costs of Rs. 1,00,000/-, this Petition is allowed in terms of prayer clause (a). 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 two 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 jointly deposit the amount of Rs.1,00,000/- 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: UTIB0000060

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

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

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

14. The Writ Petition No.2296 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)