

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 75 OF 2026

Akhtar Husain Mustafa Husain Shaikh. ... Applicant.

V/s.

The State of Maharashtra & Ors. ... Respondents.

Mr. M.S. Mulla, Advocate for Applicant.

Mr. Sukanta Karmakar, APP for Respondent/State.

Mr. Sarfaraj J. Shaikh, Respondent Nos. 2 to 4.

CORAM : ASHWIN D. BHOBE, J.

DATE : 22nd JANUARY, 2026.

P.C. :

1. This Application under section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”) is preferred for quashing of the First Information Report (for short “FIR”) No. 926 of 2023 registered with CSMT Railway Police Station, Mumbai dated 3rd November, 2023 under Section 379 of the Indian Penal Code and the charge-sheet bearing PW No. 150/2024 pending before the CSMT Railway Court, 35th Court, Mumbai arising out of

the said FIR.

2. Mr. Mulla, learned Advocate for the Applicant and Mr. Sarfaraj Shaikh, learned Advocate for the Respondent Nos. 2, 3 and 4 (Complainant/victim) state that the parties have amicably resolved the matter and on account of the settlement, the Respondent Nos. 2, 3 and 4 who are present in the court have no objection for quashing of the criminal proceedings.

3. Mr. Sarfaraj Shaikh, learned Advocate for the Respondent Nos. 2, 3 & 4 tenders the affidavit affirmed by the Respondent No.2 (Talha Mohammad Zakir Ansari) before the Notary Shane Cardoz on 9th January, 2026, same is taken on record and marked as “X” for identification. He also submitted affidavit of Respondent No. 4 (Mohd. Shakil Mohd. Ajim Shaikh) dated 22nd January, 2026 affirmed by him before Section Officer of this Court which is taken on record and marked “X-1” for identification. Affidavit of Respondent No. 3 (Mohd. Akil Mohd. Ajim Shaikh) dated 22nd January, 2026 affirmed by him before the Section Officer, High Court, Appellate Side, Bombay, which is

taken on record and marked “X-2” for identification. Mr. Sarfaraj Shaikh, learned Advocate for the Respondent No. 2 to 4 states that Respondent No. 2, Respondent No. 3 and Respondent No. 4 are present in the court and they are identified by him. Respondent Nos. 2 to 4 state that the affidavits (X, X-1 and X-2) have been filed out of their own free will and without any pressure from any person. They submit that the contents of the affidavits (X, X-1 and X-2) are as per their say and they have no objection for quashing of criminal proceedings against the Applicant.

4. Mr. Mulla and Mr. Sarfaraj Shaikh submit that the matter being amicably settled between the parties, criminal proceedings be quashed.

5. Mr. Sukanta Karmakar, learned APP for the State submits that in view of the affidavits “X, X-1 & X-2” filed by the Respondent Nos. 2 to 4, no purpose would be served in continuing with the criminal proceedings, and as such FIR and criminal proceedings arising out of FIR can be quashed.

6. Having regard the amicable settlement between the parties, statement made by Respondent Nos. 2, 3 and 4 in the affidavits at “X”, “X-1” & “X-2”, the nature of the dispute and having regard to the judicial pronouncement in the case of Gian Singh v. State of Punjab¹ and Narinder Singh & ors v. State of Madhya Pradesh², there is no impediment, if this Petition is allowed.

7. In view of the above, this Petition is allowed in terms of prayer clause (a). Consequently, the impugned FIR bearing No. 926 of 2023 registered with CSMT Railway Police Station, Mumbai and the Charge-sheet bearing PW No. 150/2023 are quashed.

8. Mr. Mulla, learned Advocate for the Applicant and Mr. Sarfaraj Shaikh, learned Advocate for the Respondents jointly submit that they would apply to the learned concerned Court for return of the property which was seized during the investigation. Mr. Sukanta Karmakar, learned APP states that this would be the correct recourse and he has no objection.

¹(2012) 10 SCC 303

² 2025 Sc Online Sc 466

9. Respondent Nos. 3 & 4 are at liberty to apply before the Court having jurisdiction for return of property by filing application in terms of law. If such an application is filed, the same be decided expeditiously on its own merit and in accordance with law within a period of two weeks from the date of filing of the Application.

10. No order as to costs.

(ASHWIN D. BHOBE, J.)