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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 202 OF 2026

Farman Vikram Chuahan : Applicant.
Versus
The State of Maharashtra : Respondent.

Mr. Shafi Sayed, Advocate for the Applicant.
Mr. Sukanta A Karmarkar, APP for the Respondent/State.
Ms Smita Jagtap, Advocate for Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.
DATED : 10 FEBRUARY 2026

PC:-

1. Heard Mr. Shafi Sayed, learned Advocate for the Applicant, Mr. Sukanta Karmarkar, learned APP for the Respondent/State and Ms. Smita Jagtap, learned Advocate for Respondent No.2.

2. This Application under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is preferred by the Applicant for quashing the FIR bearing No.1328/2026 registered with Powai Police Station under Sections 64(2)(M), 351 (2), 352, 115 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

3. Applicant is present in the Court and is identified by his Advocate Mr. Shafi Sayed. He tenders the copy of photostat Identity Card of the Applicant, which is taken on record and marked as “X” for identification.

4. Respondent No.2 is present the Court and is identified by her Advocate Ms. Smita Jagtap. She tenders photostat copy of Identity Card of Respondent No.2, which is taken on record and marked as “X-1” for identification.

5. Advocate Mr. Shafi Sayed and Advocate Ms. Smita Jagtap submit that the parties have amicably settled the dispute between the Petitioner and the Respondent No.2, which dispute arose due to a misunderstanding between them. They submit that even before the Sessions Court at the time of adjudication of Anticipatory Bail Application No.32 of 2026, filed by the Petitioner, the Respondent No.2 had filed an Affidavit stating that the complaint filed by the Respondent No.2 was on account of an misunderstanding between the parties.

6. Paragraph 7 of the order dated 09 January 2026 passed by the Sessions Court in Anticipatory Bail Application No.32 of 20026 reads as follows :-

7. *“7. Heard victim/informant in person. She has filed affidavit below Exh.6 stating that, the First Information Report is outcome of serious misunderstanding, emotional distress and differences of perceptions. She has further affirmed that she has ‘no objection’ if anticipatory bail is granted to the applicant.”*

8. Ms. Smita Jagtap, learned Advocate for Respondent No.2, states that the Affidavit dated 09 February 2026 affirmed by Respondent No.2 before the Notary S. N. Dhange, Fort, Mumbai is placed on record as Exhibit-C, same is marked as **“X-2”** for identification.

9. Respondent No. 2 states that the said Affidavit (X-2) is filed out 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 for quashing of the criminal proceedings.

10. Mr. Sukanta Karmarkar, learned APP for the

Respondent/State, expresses his displeasure in the manner in which Respondent No.2 at one point of time alleges the offences being committed and at a different point of time states that the proceedings were filed out of misunderstanding, emotional distress and on account of differences of perceptions. He submits that Respondent No.2, has taken the law enforcing machinery for granted. He however submits that Respondent No.2 having taken a stand as observed in paragraph 7 of the above referred order dated 09 January 2026 and her statements made in the Affidavit (X-2), no purpose would be served in continuing with the criminal proceedings. He prays that the parties be saddled with exemplary costs.

11. Mr. Shafi Sayed, learned Advocate for the Applicant and Ms. Smita Jagtap, learned Advocate for Respondent No.2, on instructions from the Applicant and the Respondent No.2, who are present in Court, state that, they would pay appropriate costs.

12. Considering the aforesaid circumstances, the nature of dispute, the matter being settled between the Applicant and the Respondent No.2, the Respondent No.2 having given her no objection in the Affidavit (X-2) and having regards to the pronouncements of the Hon'ble Supreme Court in the case of *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.

13. In view of the above, Criminal Application No.202 of 2026 is allowed in terms of prayer clause (a) subject to payment of costs of Rs.50,000/- each, as a condition precedent. Consequently, the impugned FIR bearing No. 1328/2026 registered with the Powai Police Station is quashed.

14. The Applicant and the Respondent No.2 shall deposit the costs of Rs.50,000/- each in the below mentioned

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

Accounts within a period of four weeks from today and file in the Registry of this Court, the compliance affidavit along with the proof of deposit on or before 11th March 2026.

a) The Petitioner shall deposit the amount of Rs.50000/- in:-

Deepstambh Foundation, Delhi

Bank Name : ICICI Bank
Account Name : Deepstambh Foundation Delhi
Account Number : 697401700986
Account Type : Savings
IFSC Code : ICIC0006974
MICR Code : 425229003

b) The Respondent No.2 shall deposit the amount of Rs.50000/- in :-

Central Police Welfare Fund

Account No: 914010029005759
Bank : Axis Bank Limited
Branch : Worli, Mumbai (M.H.), Mumbai - 400 025
IFSC Code: UTIB00000060

15. This Criminal Application is allowed in the above-said terms.

[ASHWIN D. BHOBE , J]