

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 235 OF 2026

Mr. Salman Munna Khan & Ors.

...Applicants

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Viral Babar, learned Advocate for the Applicants.

Mr. Sukanta A. Karmakar, learned A.P.P. for the State/Respondent.

Mr. Yasir A. Khan, learned Advocate for Respondent No. 2.

PI Mr. Kumargaurav Dhadwad attached to Nalasopara Police Station is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 26th MARCH 2026.

P.C. :

1. Heard Mr. Viral Babar, learned Advocate for the Applicants, Mr. Sukanta Karmakar, learned A.P.P. for the State/Respondent and Mr. Yasir Khan, learned Advocate for Respondent No. 2.

2. Mr. Viral Babar, learned Advocate for the Applicants states that the request in this Criminal Application was for quashing of the First Information Report bearing No. 315 of 2025 dated 02.07.2025 registered with Nalasopara Police Station, Mira-Bhayander, Vasai-Virar for the offences punishable under Sections 137, 118(1), 115(2), 189(1), 189(2), 190, 191(2), 351(3) & 352 of the Bharatiya Nyaya Sanhita, 2023 and Sections 39 & 45 of the Maharashtra Money Lending (Regulation) Act, 2014 (hereinafter

referred to as “Impugned FIR”) on the basis of the consent given by Respondent No. 2/Complainant.

3. Mr. Yasir Khan, learned Advocate for Respondent No. 2 states that Respondent No. 2 is agreeable and in fact ready to give his consent for quashing of the impugned FIR.

4. Mr. Sukanta Karmakar, learned A.P.P. for the State/Respondent on instructions from the Investigating Officer present, submits that he strongly objects to quashing of the impugned FIR/criminal proceedings on the basis of consent of Respondent No. 2 for more than one reason. *Firstly*, he submits that the records of Investigating Officer shows that the consent of Respondent No. 2, is not out of free will and *Secondly*, he submits that the offence alleged is in the nature of a heinous offence against the society.

5. Faced with the said objection from the prosecution, Mr. Viral Babar, learned Advocate for the Applicants, on instructions from the Applicants, craves leave to withdraw the present Criminal Application with liberty to file a fresh Criminal Application assailing the impugned FIR on merits. He clarifies that this Criminal Application was premised on the ground that Respondent No. 2 has given consent.

6. Mr. Sukanta Karmakar, learned A.P.P. for the State/Respondent fairly submits that if the Applicants are entitled to file any Criminal Application on merits, then they are always free to avail such a remedy, subject to an opportunity of hearing to the Respondents.

7. In view of the fair statement made by Mr. Sukanta Karmakar, learned A.P.P. for the State/Respondent, leave granted to the Applicants to withdraw the present Criminal Application with liberty as prayed for.
8. The request for quashing of the impugned FIR on the ground of consent/No Objection of Respondent No. 2, is denied. In the event the Applicants have any ground/s to challenge the impugned FIR on merits, they are entitled to avail such remedy by filing appropriate proceedings, which proceedings if filed, shall be considered on its own merits.
9. Contentions of the parties including all the objections of Respondent No. 1 on merits, are left open.
10. Criminal Application No. 235 of 2026 is dismissed as withdrawn.

[ASHWIN D. BHOBE, J.]

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