

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

CRIMINAL APPLICATION NO.352 OF 2026

Shrikant Mohan Babar and ors. : Applicants
Versus
The State of Maharashtra and anr. : Respondents.

Mr. Sandeep M Patil for the Applicants.
Mr. Tanveer Khan, APP for the Respondent/State.
Mr. Shekhar Singh for the Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.
DATED : 26 FEBRUARY 2026

PC:-

1. Heard Mr. Sandeep Patil, learned Advocate for the Applicants, Mr. Tanveer Khan, learned APP for the Respondent/State and Mr. Shekhar Singh, learned Advocate for Respondent No.2.

2. This Application under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is preferred by the Applicants for quashing the FIR bearing No. 06 of 2025 registered with Byculla Police Station, Mumbai and the chargesheet in Sessions Case No.56 of 2026 pending before the 34th Court of Sessions for Greater Bombay.

3. Applicants are present in the Court and are identified by their Advocate Mr. Sandeep Patil. He tenders the Photostat copies of the Identity Cards (three in number) of the Applicants, which are taken on record and marked as “X-Colly” for identification.

4. Respondent No.2 is present in the Court and is identified by her Advocate Mr. Shekhar Singh. He tenders the Photostat copy of Identity Card of Respondent No.2, which is taken on record and marked as “X-1” for identification.

5. Mr. Shekhar Sinth states that the Affidavit dated 16 February 2026 affirmed by Respondent No.2 before the Notary S. N. Dhange, Fort, Mumbai is placed on record, the same is marked as “X-2” for identification.

6. 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.

7. Mr. Sandeep Patil and Mr. Shekhar Singh submit that the Applicants and the Respondent No.2 are friends. They submit that a misunderstanding between the Applicants and the Respondent No.2 gave rise to a dispute. They submit that the said dispute was taken to the police by the Respondent No.2. They submit that the Applicants and the Respondent No.2 have now amicably resolved the dispute and cleared

their misunderstanding. They submit that the Respondent No.2 has given her no objection in the Affidavit (X-2) for quashing the criminal proceedings. They therefore submit that the criminal proceedings be quashed. They rely on paragraph Nos. 2 to 4 of the Affidavit (X-2) which are transcribed herein below in verbatim :-

“2. I say and submit that the dispute which had arisen between myself and the Applicants due to a misunderstanding has now been amicably resolved, by mutual consent, without any claims, demands, or grievances against each other, for our better future.

3. That I am swearing the present Affidavit without any force, fraud, coercion at the hands of the Applicants or any persons on their behalf and I am deposing it with my free will.

4. I am swearing this affidavit to support the Applicants herein and I have No objection if this Hon'ble Court quashes and sets aside the chargesheet presently pending before the Hon'ble 34th Court of Sessions for Greater Bombay at Bombay, Bearing Session Case No. 56 of 2026 and F.I.R. No. 06 Of 2025 registered by Byculla Police Station, against the Applicants herein.”

8. Mr. Tanveer Khan, learned APP for the Respondent/State submits that the Applicants and the Respondent No.2 used police machinery for settling the misunderstanding between them. He submits that in view of the Affidavit (X-2) and the statements made by the

Respondent No.2 in the Affidavit (X-2), he has no objection for quashing of the criminal proceedings, however, he insists for imposition of exemplary costs.

9. Mr. Sandeep Patil and Mr. Shekhar Singh, on instructions, submit that the Applicants and Respondent No.2 shall deposit appropriate costs.

10. Considering the aforesaid circumstances, the nature of dispute between friends, the matter being settled between the Applicants and the Respondent No.2, the statement made by Respondent No. 2 in the Affidavit (X-2), no useful purpose is likely to be served by allowing a criminal prosecution to continue, 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, *Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat*³ and *Madhavrao Jiwajirao Scindia & ors Vs. Sambhajirao Chandrojirao Angre & ors.*⁴, there is no impediment in allowing this Application.

11. In view of the above, Criminal Application No.352 of 2026 is allowed in terms of prayer clause (b) subject to payment of costs of Rs.70,000/- (Rs.45,000/- by the Applicants and Rs.25,000/- by the Respondent No.2.). Payment of costs is a condition precedent. Consequently, the

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

⁴ (1998) 1 SCC 692

impugned FIR bearing No. 06 of 2025 registered with Byculla Police Station, Mumbai and the chargesheet in Sessions Case No.56 of 2026 pending before the 34th Court of Sessions for Greater Bombay.

The Applicants shall jointly deposit costs of Rs.45,000/- and the Respondent No.2 shall deposit the costs of Rs.25,000/- in the below mentioned Account within a period of two weeks from today and file in the Registry of this Court the compliance affidavit along with the proof of deposit on or before 18 March 2026.

Deepstambh Foundation, Delhi

Bank Name : ICICI Bank

Account Name : Deepstambh Foundation Delhi

Account Number : 697401700986

Account Type : Savings

IFSC Code : ICIC0006974

MICR Code : 425229003

12. The Criminal Application No.352 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)