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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 395 OF 2026

Nelson Albert Dcruz @ Nanhe & Ors. ... Applicants

Versus

The State of Maharashtra & Anr. ... Respondents

Mr. Shashwat Nehete i/b Mr. Mallika Ingale, Advocates for Applicants.

Mr. Mutahhar Khan a/w Mr. C. Moin, Mr. Rehan Chappra i/b Mr. Purav Damania, Advocates for Respondent No. 2.

Mr. Sukanta Karmakar, APP for Respondent No. 1 – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 16th MARCH, 2026

P.C. :

1. Heard Mr Shashwat Nehete, learned Advocate for Applicants, Mr Sukanta Karmakar, learned APP for Respondent No. 1 and Mr. Mutahhar Khan, learned Advocate for Respondent No. 2.

2. This Application is filed by the Applicants for quashing FIR No. 294 of 2014, dated 28.08.2014, registered with Amboli

Police Station (impugned FIR).

3. Mr. Shashwat Nehete and Mr. Mutahhar Khan submit that the subject matter of the impugned FIR relates to a property dispute concerning rights and interests in the said property. They submit that, due to this dispute, Respondent No. 2 filed a complaint, which resulted in the registration of the impugned FIR, whereas the complaint filed by Applicants led to registration of the FIR No. 05/2016 dated 20.05.2016. They submit that Respondent No. 2, through its proprietary concern M/S Grace Infracon, filed Special Civil Suit No. 1629 of 2025 against the Applicants and others before the City Civil Court at Dindoshi, Mumbai, concerning rights in the property. They submit that Special Civil Suit No. 1629 of 2025 was settled through consent terms dated 27th March 2018, which was decreed on the same date. They submit that the FIR No. 05/2016 dated 20.05.2016 has been quashed by the consent of the parties. They submit that Respondent No. 2, in light of the settlement of the property disputes, does not wish to pursue the criminal case and has therefore provided his no objection in an affidavit to quash the same. They submit that the impugned FIR

be quashed.

4. The Applicant Nos. 1, 2, 4, 5, 6 & 7 are present in Court and Applicant No. 3 is present through V. C. mode and all are identified by their Advocate, Mr. Shashwat Nehete. He submits photocopies of the Applicant's identity card (seven in nos), which are taken on record and marked '**X-colly**' for identification.

5. Respondent No. 2 is present in Court and is identified by her Advocate Mr. Mutahhar Khan. He tenders a photostat Copy of the Identity Card of Respondent No. 2, which is taken on record and marked as '**X-1**' for identification.

6. Mr Mutahhar Khan states that the Affidavit dated 26th February, 2026, affirmed by Respondent No.2 before the Notary P C. Mishra, is placed on record, and the same is marked with "**X-2**" for identification.

7. Respondent No. 2 states that the said Affidavit (X-2) is filed out 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 states that, regarding the subject matter of the impugned FIR, i.e., the property dispute settled in the Special Civil Suit No. 1629 of 2025, he does not wish to continue the criminal proceedings and seeks to bring them to an end. He reiterates his no objection to the quashing of the impugned FIR.

8. Mr Sukanta Karmakar, learned APP for the State, submits that a private property dispute was converted into a criminal case, thereby setting the police machinery in motion. He, however, submits that the Applicants and Respondent No. 2, having amicably settled the private dispute as disclosed in the consent terms dated 27th March, 2018, which form a part of the No Objection affidavit 'X-2', he has no objection to the quashing of the impugned FIR. He, however, insists on imposing exemplary costs on the parties for involving police machinery.

9. Mr Mutahhar Khan, learned Advocate for the Applicants and Mr Shashwat Nehete, learned Advocate for Respondent No. 2, on instructions from their respective parties, state that the appropriate costs would be paid.

10. Considering the above facts, the submissions of learned Advocates, the primarily civil nature of the dispute, and the private property dispute being amicably resolved by the Applicants and Respondent No. 2 before the City Civil Court, Bombay, in Special Civil Suit No. 1692 of 2015 in the manner outlined in the consent terms filed there, along with the statements made today by Respondent No. 2 and in the affidavit 'X-2', no useful purpose would be served by continuing the criminal proceedings. Having regard to the pronouncements of the Hon'ble Supreme Court in the case of Gian Singh vs State Of Punjab¹, Narinder Singh And Ors vs State Of Punjab And Anr², and Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat³, there is no impediment in allowing this Petition.

11. In view of the above, Criminal Writ Petition is allowed in terms of prayer clause (b), subject to payment of costs of Rs. 50,000/-. Payment of costs is a condition precedent. Consequently, the impugned FIR is quashed.

1 2012 10 SCC 303

2 2014 6 SCC 466

3 2017 9 SCC 641

12. The Applicants shall deposit Rs. 25,000/- and Respondent No. 2 shall deposit Rs. 25,000/- into the account mentioned below within two weeks from today and file the compliance affidavit along with proof of deposit in the Court's Registry on or before 2nd April, 2026.

a] The Applicants shall deposit an amount of Rs.25,000/- in :-

The High Court Employees Medical Welfare Fund
at Mumbai
Account No.: 000120110001337
Bank : Bank of India
Branch : Mumbai Main
IFSC Code : BKID0000001

b] The Respondent No.2 shall deposit an amount of Rs. 25,000/- in :-

Central Police Welfare Fund
Account No: 914010029005759
Bank : Axis Bank Limited
Branch : Worli, Mumbai (M.H.), Mumbai - 400 025
IFSC Code: UTIB0000060

13. Criminal Applicaton No. 395 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)