

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

CRIMINAL APPLICATION NO.431 OF 2026

Azimuddin Mustajabuddin Sayed & Ors. : Applicants
Versus
The State of Maharashtra & ors. : Respondents

Mr. Ibrahim Shyamsunder Gupta for the Applicants.
Mr. Sukanta Karmakar, APP for the Respondents/State.
Mr.M. M. Chaudhari for the Respondent No.4.

CORAM : ASHWIN D. BHOBE, J.

DATED : 01 APRIL 2026

PC:-

1. Heard Mr. Ibrahim Shyamsunder Gupta, learned Advocate for the Applicants, Mr. Sukanta Karmakar, learned APP for the Respondent Nos. 1 to 3/State and Mr. M. M. Chaudhari, learned Advocate for Respondent No.4.

2. This Application under Article 226 of the Constitution of India and under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is preferred by the Applicants for quashing the FIR bearing 165 of 2026 (Impugned FIR) dated 19 February 2026 registered with Goregaon Police Station for the offences

punishable under Sections 115(2), 118(1), 3(5), 352 of the BNS, 2023>

3. Advocate Mr. Ibrahim Gupta and Advocate Mr. M. M. Chaudhari submit that altercation between neighbours turned violent and resulted in the registration of the impugned FIR. They submit that the altercation was on account of a misunderstanding between the Applicants and the Respondent No.4. They submit that by intervention of the family friends and the elderly persons the misunderstanding between the Applicants and the Respondent No.4 is resolved. They submit that the Applicant and the Respondent No.4 have amicably settled the dispute amongst them and in view of the settlement, the Respondent No.4 has given his no objection in the Affidavit dated 05 March 2026. They, therefore, request for quashing of the impugned FIR.

4. Applicants are present in the Court and are identified by their Advocate Mr. Ibrahim Gupta. He tenders the Photostat copies of the Applicants' Identity Cards, which are taken on record and marked as "X-Colly" for identification.

5. Respondent No.4 is present in the Court and is identified by his Advocate Mr. M. M. Chaudhari. He tenders the Photostat copy of Respondent No.2's Identity Card, which is taken on record and marked as "X-1" for identification.

6. Mr. M.M. Chaudhari, learned Advocate for the Respondent No.4, states that the Affidavit dated 05 March 2026, affirmed by Respondent No.4 before the Registry of this Court, is placed on record, the same is marked as “X-2” for identification.

7. Respondent No. 4 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 reiterates his no objection for quashing of the criminal proceedings. Respondent No.4 states that he and his neighbours i.e. the Applicants have sorted out their misunderstanding, and therefore, he has given his no objection for quashing of the impugned FIR in his Affidavit (X-2). He states that in view of the settlement, he does not want to continue with the criminal proceedings and wants to put an end to the same.

8. Mr. Sukanta Karmakar, learned APP for the Respondents/State submits that a dispute of the nature referred to by the Applicants and the Respondent No.4 was not required to be dragged to the police station. He however submits that the Applicants and the Respondent No.4 having amicably resolved their misunderstanding and they being neighbours, he has no objection for quashing of the impugned FIR. He, however, submits that as a simple dispute being given a criminal flavour, he insists for imposition of costs on the Applicants and the Respondent No.4.

9. Mr. Ibrahim Gupta and Mr. M M Chaudhari, on instructions from the Applicants and the Respondent No.4, submit that the Applicants and Respondent No.4 shall deposit appropriate costs.

10. Considering the facts mentioned herein above, the submissions made by the learned Advocates for the parties, the petty dispute between neighbours being amicably resolved between the Applicants and the Respondent No.4, and the Respondent No.4 having expressed his intention not to continue with the criminal proceedings as such having given his no objection in Affidavit (X-2), no useful purpose will be served by allowing the criminal prosecution to continue. Having regard to the pronouncements of the Hon'ble Hon'ble Supreme Court in *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.

11. In view of the above, Criminal Application No.431 of 2026 is allowed in terms of prayer clause (B) subject to Applicants paying costs of Rs.15,000/- each and Respondent No.4 paying costs of Rs.15,000/-. 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 and the Respondent No.4 shall deposit their respective costs 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 20 April 2026.

Account Name : BCMG's Advocate Academy& Research Center
Account Number : 000120110001327
Bank Name : Bank of India
Branch Name : Mumbai Main Branch
IFS Code : BKID0000001
Type of Account : Current Account

13. The Criminal Application No.431 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)