

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.621 OF 2026

Prakash P;urushottam Parmar : Petitioner  
Versus  
The State of Maharashtra and anr. : Respondents.

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Mr. Ashish Dubey a/w Mr. Ajaury Dube for the Petitioner  
Mrs. Rajeshree Newton, APP for the Respondent/State.  
Mr. Ashok Kumar Yadav for the Respondent No.2.

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CORAM : ASHWIN D. BHOBE, J.

DATED : 07 APRIL 2026

**PC:-**

1. Heard Mr. Ashish Dubey, learned Advocate for the Petitioner, Mrs. Rajeshree Newton, learned APP for the Respondent/State and Mr. Ashok Kumar Yadav, learned Advocate for Respondent No.2.
2. This Application under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is preferred by the Petitioner for quashing the FIR bearing 178 of 2026 (impugned FIR) registered with the Santacruz Police Station.
3. Mr. Ashish Dubey, learned Advocate for the Petitioner and Mr. Ashok Kumar Yadav, learned Advocate for the Respondent No.2 submit that the dispute which is the subject matter of the impugned FIR pertains to a misunderstanding amongst two friends. They submit that the misunderstanding

was in respect of a cheque of Respondent No.2 being misused by the Petitioner. They submit that the misunderstanding with the intervention of friends is now resolved and the parties have amicably settled the dispute. They submit that in view of the settlement the Respondent No.2 does not intend to pursue with the impugned FIR, and therefore, has given his no objection in the Affidavit dated 07 April 2026. They, therefore, request for quashing of the impugned FIR.

4. The Petitioner is present in the Court and is identified by his Advocate Mr. Ashish Dubey. He tenders the Photostat copy of the Petitioner's Identity Card, which is taken on record and marked as "X" for identification.

5. Respondent No.2 is present in the Court and is identified by his Advocate Mr. Ashok Kumar Yadav. 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. Ashok Kumar Yadav, learned Advocate for the Respondent No.2, states that the Affidavit dated 07 April 2026, affirmed by Respondent No.2 before the Notary A R Surve, is placed on record, the same is marked as "X-2" for identification.

7. Respondent No. 2 states that he and the Petitioner are friends and they continue to be friends. He states that the misunderstanding amongst themselves has been resolved and that they do not have any grievance against each other. He

states that in view of the settlement between him and the Respondent No.2, he has given no objection in his Affidavit (X-2) for quashing of the impugned FIR. He 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.2 states that he is not interested in continuing with criminal proceedings and wants to end it. He relies on paragraphs 3 and 4 of his Affidavit (X-2) which are transcribed herein below in verbatim :-

*“3. I say that as part of the above settlement and in order to bring quietus to all disputes between the parties, the Petitioner has agreed and undertaken to withdraw the complaint filed under Section 138 of the Negotiable Instruments Act, bearing Complaint No. SC/010/2025, which is pending before the Learned Judicial Magistrate First Class, 58th Court at Bandra, Mumbai, against me, i.e. Respondent No.2. I say that upon such withdrawal of the said complaint, no further disputes shall survive between the parties arising out of the said transactions.*

*4 I say that, I out of my own free will and volition, without any pressure, coercion or undue influence withdrawing the allegation leveled in the F.I.R. I further confirm that, I agreed to settle and have no objection for quashing of the aforesaid F.I.R. initiated by me. I, further submit that the withdrawal of allegations in the aforesaid F.I.R. is being made without any undue influence, coercion and pressure on me.”*

8. Mrs. Rajeshree Newton, learned APP for the Respondent/State submits that a personal dispute amongst individuals was given a cloak of a criminal nature resulting in police machinery set in motion. She submits that in view of the settlement between the Petitioner and the Respondent

No.2, she has no objection for quashing of the impugned FIR. She however, insists for imposition of costs on the Petitioner and the Respondent No.2.

9. Mr. Ashish Dubey, learned Advocate for the Petitioner and Mr. Ashok Kumar Yadav, learned Advocate for the Respondent No.2, on instructions, submit that appropriate costs would be paid.

10. Considering the facts mentioned herein above, the submissions of the learned Advocates for the parties, the dispute apparently being in the nature of misunderstanding amongst two friends which now stands resolved, the Respondent No.2 having given no objection in his Affidavit (X-2) for quashing of the criminal proceedings, no useful purpose will be served by allowing the criminal prosecution to continue. Having regards to the pronouncements of the Hon'ble Hon'ble Supreme Court in *Gian Singh vs State Of Punjab*<sup>1</sup>, *Narinder Singh And Ors vs State Of Punjab And Anr*<sup>2</sup> and *Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat*<sup>3</sup>, there is no impediment in allowing this Application.

11. In view of the above, Criminal Application No.621 of 2026 is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25,000/- by the Petitioner and Rs.25,000/- by the Respondent No.2. Payment of costs is a

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<sup>1</sup> 2012 10 SCC 303

<sup>2</sup> 2014 6 SCC 466

<sup>3</sup> 2017 9 SCC 641

condition precedent. Consequently, the impugned FIR is quashed.

**12.** The Petitioner and the Respondent No.2 shall deposit their respective costs in the below mentioned Accounts within a period of three weeks from today and file in the Registry of this Court the compliance affidavit along with the proof of deposit on or before 30 April 2026.

**High Court Law Library**

Bank : State Bank of India  
Branch : Mumbai Main Branch  
Account No.: 10996686636  
IFS Code : SBIN0000300

**13.** The Criminal Application No. 621 of 2026 is disposed of.

**(ASHWIN D. BHOBE, J.)**