

lgc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.645 OF 2026

Vijay Harishchand Rajbhar and ors. : Applicants.

Versus.

The State of Maharashtra and anr. : Respondents.

Ms. Sonal Parab a/w Adv. Esha v Rane for the Applicants.

Mr. Tanveer Khan, APP for the Respondent/State.

Mr. Ravi B Mungekar a/w Mr. Sudhanshu Sawant for the
Respondent No.2.

API Pradeep Patil, Chunabhatti Police Station present.

CORAM : ASHWIN D. BHOBE, J.

DATED : 10 APRIL 2026

PC:-

1. Heard Ms. Sonal Parab, learned Advocate for the Applicants, Mr. Tanveer Khan, learned APP for the Respondent/State and Mr. R B Mungekar, learned Advocate for Respondent No.2.

2. This Application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is preferred by the Applicants for quashing the FIR bearing No. 427 of 2020 (Impugned FIR) dated 17 December 2020, registered with Chunabhatti Police Station, and the charge-sheet arising out of the impugned FIR.

3. Ms. Sonal Parab, learned Advocate for the Applicants and Mr. Ravi Mungekar, learned Advocate for Respondent No.2, submit that the subject matter of this Application is basically a commercial dispute. To clarify, they submit that the bill for a commercial transaction was raised by Applicant No.2 and sent to Respondent No.2 for payment. They submit that Applicant Nos. 1 and 2 were pursuing the recovery of the said bill amount from Respondent No.2. They submit that this act of the Applicants in seeking recovery of the amount due and payable to Applicant No.2 led to a complaint being filed by Respondent No.2, making certain allegations. They submit that the misunderstanding between the Applicants and Respondent No.2 has been resolved. They submit that, upon resolution of the said disputes, Respondent No.2 has no grievance against the Applicants and he has given his no objection to the quashing of the impugned FIR and the charge-sheet arising out of it. They therefore request the quashing of the impugned FIR and the charge sheet.

4. The Applicants are present in Court and are identified by their Advocate, Ms. Sonal Parab. She tenders the photostat copies of the Applicants' Identity Cards, which are taken on record and marked as "**X-Colly**" for identification.

5. Respondent No.2 is present in Court and is represented by his Advocate, Mr. Ravi Mungekar. He tendered the

photostat copy of Respondent No.2's Identity Card, which was taken on record and marked as "X-1" for identification.

6. Mr. Ravi Mungekar, learned Advocate for Respondent No.2, states that the Affidavit dated 03 April 2026, affirmed by Respondent No.2 before the Notary S. N. Dhanage, Fort, Mumbai, is placed on record, same is marked as "X-2" for identification.

7. Respondent No. 2 states that the dispute between him and the Applicants has been amicably resolved and that they have settled their commercial transaction. He submits that, due to the annoyance caused by the Applicants, he made the allegations against them as found in his complaint and the impugned FIR. He submits that, in view of the settlement between him and the Applicants, he does not intend to continue with the criminal proceedings and has given his no-objection in his Affidavit (X-2). He submits that the said Affidavit (X-2) is filed 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 refers to paragraphs 4 to 7 of his Affidavit (X-2), which are transcribed herein below in verbatim.

"4) I say that I have read the averments made in the Criminal Application u/sec 528 of BNSS, 2023 No. 645 of 2026 filed by the Applicants/Accused and I am aware of the facts and circumstances regarding this C. R. No. 427 of 2020 which culminated into C.C. No. 1548/PW/2024 pending before Ld. Judicial Magistrate First Class's 60th Court, Kurla, Mumbai.

5) I say that I have no grievances against Applicants

because No we have settled the dispute amicably, I am not desirous of proceeding with the C. C. No. 1548/PW/2024 pending before Ld. Judicial Magistrate First Class's 60th Court, Kurla, Mumbai.

6) Considering the aforesaid, I say that, I hereby explicitly record my no-objection to the quash the proceedings being C.C. No. 1548/PW/2024 pending before Ld. Judicial Magistrate First Class's 60th Court, Kurla, Mumbai (arising out of F.I.R. No. 427 of 2020 registered with Chunabhatti Police Station) against the Applicants/Accused.

7) I say that I am mentally sound and executing this Affidavit without any force, duress or coercion from any one.”

8. Mr. Tanveer Khan, for the Respondent/State, submits that a commercial dispute between the Applicants and the Respondent No.2 was cloaked as a criminal matter and the police machinery was set in motion. However, in view of the submissions of the Advocates for the parties, the statements made by the Respondent No.2 before this court and his no-objection in the Affidavit (X-2), he does not object to the quashing of the impugned FIR and the charge-sheet arising out of it. Mr. Tanveer Khan vehemently insists on the imposition of exemplary costs on the Applicants and the Respondent No. 2.

9. Ms. Sonal Parab, learned Advocate for the Applicants and Mr. Ravi Mungekar, learned Advocate for the Respondent No. 2, on instructions, state that appropriate costs will be paid.

10. Perused the records.

11. In *Kukesh Rauta Vs. State of Goa*¹, amongst other allegations, the offence charged was under Section 384 of the Indian Penal Code. This court, considering the facts therein and noting the settlement between the parties, quashed the FIR by consent.

12. In the case at hand, although the impugned FIR refers to Sections 448, 387, 385, and 506(2) r/w 34 of the Indian Penal Code, the allegations in the impugned FIR and the material collected pursuant to its registration do not attract the ingredients of the said Sections. On the contrary, a reading of the allegations in the impugned FIR and the material on record, taken at face value, shows that a civil transaction between the Applicants and the Respondent No. 2 is being given a criminal flavour, as rightly submitted by Mr. Tanveer Khan, learned APP for the Respondent/State, which warrants imposition of costs.

13. Considering the facts mentioned hereinabove, the submissions of the learned Advocates for the parties, the statements of Respondent No.2 made before this Court as also in the Affidavit (X-2), the parties having amicably resolved their dispute, which apparently is a commercial transaction between two contracting parties and further the Respondent No. 2 having expressed an intention not to continue with the criminal proceedings, no useful purpose will be served by allowing the criminal prosecution to continue. Having regard

¹ 2025 SCC OnLine Bom 1282

to the pronouncements of the Hon'ble Supreme Court in *Gian Singh vs State Of Punjab*², *Narinder Singh And Ors vs State Of Punjab And Anr*³ and *Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat*⁴, there is no impediment in allowing this Application.

14. In view of the above, Criminal Application No.645 of 2026 is allowed in prayer clause (a), subject to each of the Applicants paying costs of Rs. 2,00,000/- and the Respondent No.2 paying costs of Rs. 2,00,000/-. Payment of costs is a condition precedent. Consequently, the impugned FIR and the Charge-sheet arising out of the impugned FIR are quashed.

15. The Applicants and the Respondent No.2 shall deposit their respective costs in the below-mentioned Account 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 04 May 2026.

a] Each of the Applicants shall deposit the amount of Rs. 2,00,000/- in :-

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

² 2012 10 SCC 303

³ 2014 6 SCC 466

⁴ 2017 9 SCC 641

b] The Respondent No.2 shall deposit the amount of Rs.2,00,000/- in:-

High Court Law Library

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

16. The Criminal Application No.645 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)