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

CRIMINAL APPLICATION NO.736 OF 2026

Asif Aziz Shaikh : Applicant.
Versus.
The State of Maharashtra & Anr. : Respondents.

Mr. Darshan Juikar for the Applicant
Mrs. Geeta Mulekar, APP for the Respondent/State.
Mr. Himanshu Indise for the Respondent

CORAM : ASHWIN D. BHOBE, J.

DATED : 20 APRIL 2026

PC:-

1. Heard Mr. Darshan Juikar, learned Advocate for the Applicant, Mrs Geeta Mulekar, learned APP for the Respondent/State and Mr. Himanshu Indise, learned Advocate for Respondent No.2.

2. This Application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is preferred by the Applicant for quashing of the FIR bearing No. 870 of 2025 (impugned FIR), registered with the Dadar Police Station for offences punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023.

3. Mr. Darshan Juikar, learned Advocate for the Applicant and Mr. Himanshu Indise, learned Advocate for the Respondent No.2, submit that the subject matter of the impugned FIR is a commercial transaction between the Applicant and the Respondent No.2, for which the Respondent No.2 had paid Rs.3,00,000/- to the Applicant. They submit that the Applicant and the Respondent No. 2 have amicably resolved the subject matter of the impugned FIR. They submit that during the proceedings of Anticipatory Bail Application No.306 of 2026 before this Court, the Applicant had deposited Rs.3,00,000/- in this Court. They submit that the settlement between the parties is that the amount deposited by the Applicant in this Court will be withdrawn by the Respondent No.2. They submit that in view of the settlement, the Respondent No.2 does not intend to pursue the criminal proceedings and wants to end them. They, therefore, submit that the impugned FIR be quashed.

4. Mr. Darshan Juikar, learned Advocate for the Applicant, on instructions from the Applicant, who is present in Court, undertakes to give his no objection to Respondent No.2 for withdrawal of Rs.3,00,000/-, which are deposited in the proceedings of Anticipatory Bail Application No.306 of 2026. Statement accepted.

5. Applicant is present in the Court and is identified by his Advocate Mr. Darshan Juikar. He tenders the Photostat copy

of the Applicant's Identity Card, which is taken on record and marked as "**X**" for identification.

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

7. Mr. Himanshu Indise, learned Advocate for the Respondent No.2, states that the Affidavit dated 20 April 2026 affirmed by Respondent No.2 before the Registry of this Court, is placed on record, the same is marked as "**X-2**" for identification.

8. Respondent No. 2 states 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 true and as per his say. He reiterates his no objection to the quashing of the criminal proceedings. He states that the issue of dispute between him and the Applicant was the return of Rs. 3,00,000/- that Respondent No. 2 had given to the Applicant. He submits that he and the Applicant have amicably resolved the matter and that Respondent No. 2 is now entitled to withdraw the amount of Rs.3,00,000/- deposited in Anticipatory Bail Application No.306 of 2026. He states that, in view of the settlement, he has no grievance whatsoever against the Applicant and does not want to proceed with the criminal proceedings against the Applicant.

He refers to paragraphs 1 to 5 of his Affidavit (X-2), which are transcribed herein below in verbatim.

“1. I state and declare that an FIR vide F.I.R. No. 870 of 2025 was registered at my instance before the Valiv Police Station for offenses punishable under Section 318(4) of the Bhartiya Nyaya Sanhita, 2023 wherein the Applicant was arraigned as an accused person.

2. I state that I do not wish to proceed with the proceedings herein since the dispute between the Accused and me has been settled amicably. I further state that the Applicant and me wish to move forward with life as we have settled the disputes amicably.

3. I state that the Applicant herein has deposited a sum of Rs.3,00,000/- (Rupees Three Lacs Only) before this Hon'ble Court in an Anticipatory Bail Application bearing No.306 of 2026 vide order dated 04th February, 2026 and it has been agreed between the parties that he ie Applicant/Original Accused shall have no objection for transferring the said amount to me; being the Original Complainant.

4. Therefore, in light of the aforementioned circumstances, I do not wish to proceed with the present proceedings. I hereby give my unconditional consent towards quashing of F.I.R. No. 870 of 2025 registered with the Valiv Police Station for offenses under Section 318(4) of the Bhartiya Nyaya Sanhita, 2023

5. I further wish to state that the above-mentioned consent is given without any force, coercion, misrepresentation or pressure. I have been explained the contents and the consequences of tendering this affidavit by my own Advocate and I am tendering it on our own volition and free will.”

9. Mrs. Geeta Mulekar, learned APP, submits that the commercial dispute was unnecessarily dragged to the police station by the Respondent No.2 and the Applicant. She, however, submits that in view of the settlement between the Applicant and the Respondent No.2, read with the statements

made by the Respondent No.2 today in court and in the Affidavit (X-2), Respondent No. 1 has no objection to the quashing of the impugned FIR. She, however, insists on imposing costs on the Applicant as well as the Respondent No.2.

10. Mr. Darshan Juikar, learned Advocate for the Applicant, and Mr. Himanshu Indise, learned Advocate for the Respondent No.2, on instructions, submit that appropriate costs would be paid.

11. Considering the facts mentioned hereinabove, the submissions of the learned Advocates for the parties, the commercial nature of the dispute between the Applicant and the Respondent No. 2, which has now been settled and the no-objection by the Respondent No. 2 in the Affidavit (X-2) for quashing the impugned FIR, no useful purpose will be served by allowing the criminal prosecution to continue. Having regard to the pronouncements of the 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.

12. In view of above, this Application is allowed in terms prayer clause (a) subject to payment of costs of Rs.15,000/- by the Applicant and Rs.15,000/- by the Respondent No.2

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

within two weeks from today. Payment of costs is a condition precedent. Consequently, the impugned FIR is quashed.

13. The Applicant and the Respondent No. 2 shall deposit their respective costs in the Account mentioned below within two weeks from today and file the compliance affidavit, along with proof of deposit, in the Registry of this Court on or before 08 May 2026.

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

14. The Criminal Application No.736 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)