

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 792 OF 2026**

Uvais Ahmed Abdul Tayab Patrawala And Anr. ... Applicants

Versus

The State Of Maharashtra And Anr. ... Respondents

Mr. Jagdish Shetty, for the Applicants.

Applicants are present in Court.

Mr. Amanatullah Khan, for the Respondent No. 2.

Respondent No. 2 is present in Court.

Mrs. Rajeshree Newton, APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 5th May, 2026.

P.C. :

1. Heard Mr. Jagdish Shetty, learned Advocate for the Applicants, Mrs. Rajeshree Newton, learned APP for the Respondent – State and Mr. Amanatullah Khan, learned Advocate for the Respondent No. 2.

2. This Application, filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is by the Applicants seeking to quash FIR No. 48 of 2026 dated 30.01.2026 registered with Nagpada Police Station (hereinafter “*impugned FIR*”) for offences

punishable under Sections 78, 79, and 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Sections 66(e) and 67(a) of the Information Technology Act, 2000, and the chargesheet registered as Case No. 277/PW/2026, pending before the Judicial Magistrate (First Class) 69th Court at Mazgaon, Mumbai.

3. Mr. Jagdish Shetty and Mr. Amanatullah Khan submit that the subject matter of the impugned FIR is between the Nephews (Applicant Nos. 1 and 2) and the Respondent No. 2 (Aunt). They submit that the subject matter of the impugned FIR has been resolved between the family members and upon settlement, the Respondent No. 2 has given her statement before the Judicial Magistrate First Class, Mazgaon, Mumbai, under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereafter “*BNSS, 2023*”). They refer to pages 22 and 23, wherein the Respondent No. 1 has recorded the content of the said statement, by which the Respondent No. 2 has stated that she has no grievance of whatsoever nature against the Applicants and she does not intend to continue with the criminal proceedings. They submit that, based on the said statements, the proceedings before the Court would

not stand. They therefore request that the no objection given by the Respondent No. 2 in her Affidavit dated 20.04.2026 be considered and that the impugned FIR and the chargesheet be quashed.

4. Ms. Rajeshree Newton, learned APP for the Respondent – State, submits that the Applicants and the Respondent No. 2 have taken the criminal proceedings for granted. She confirms the statement made by the Respondent No. 2 before the Magistrate under Section 183 of the BNSS, 2023, that Respondent No.2 has no grievance against the Applicants and does not intend to continue the criminal proceedings. She submits that, as the Applicants and the Respondent No. 2 are related (Aunt and Nephews) and have settled the dispute, the Respondent No. 1 – State has no objection to the quashing of the impugned FIR and the chargesheet. She, however, submits that exemplary costs be imposed on the Applicants and the Respondent No. 2. She suggests the imposition of costs of Rs. 1,00,000/- each on the Applicants and Rs. 1,00,000/- on the Respondent No. 2.

5. Mr. Jagdish Shetty and Mr. Amanatullah Khan, learned

Advocates on instructions from the Applicants and Respondent No. 2, submit that the appropriate costs will be paid.

6. The Applicants are present in Court and are identified by their Advocate Mr. Jagdish Shetty. He tenders photocopies (2 Nos.) of the identity cards of the Applicants which are taken on record and marked **“X-colly”** for identification.

7. Respondent No. 2 is present in Court and is identified by her Advocate Mr. Amanatullah Khan. He submits a photocopy of the Respondent No. 2's identity card, which is taken on record and marked as **“X-1”** for identification.

8. Mr. Amanatullah Khan, learned Advocate for the Respondent No. 2, states that the Respondent No. 2 has affirmed an Affidavit dated 20.04.2026 before the Notary A. R. Surve and the original Affidavit has been filed by him in the Registry of this Court. The statement made by Mr. Amanatullah Khan, learned Advocate for the Respondent No. 2, is accepted. He tenders the photostat copy of the Affidavit dated 20.04.2026, which is taken on record and marked **“X-2”** for identification.

9. Respondent No. 2 states that she has filed the Affidavit (X-2) of her own free will, without any force or coercion from anyone. She states that the contents of the Affidavit (X-2) are true and as per her say. She states that she has amicably resolved the dispute with her Nephews (Applicant Nos. 1 and 2) and has no grievance whatsoever against the Applicants. She states that she has recorded her statement before the Magistrate under Section 183 of the BNSS, 2023, wherein she has categorically stated that she has no grievance whatsoever against the Applicants and does not want to pursue the criminal proceedings. She states that she would not be supporting the prosecution's case. She reiterates her no objection and requests the quashing of the impugned FIR by relying on paragraph Nos. 2, 3, 4, 5, 6, 7, 8 and 9 of her Affidavit (X-2), which are transcribed herein below in verbatim :-

2. I hereby give No Objection to the Petitioners in Criminal Application No. 792/24 of 2026 filed for quashing of Chargesheet alongwith cognizance Order in C.C. No. 277/PW/2026 arising in C.R. No. 48 of 2026 registered with Nagpada Police Station under Section 78, 79, 3(5) of Bharatiya Nyaya Sanhita, 2023 r/w. Section 66(E), 66(A) of Information & Technology Act, 2000.

3. I further state that the Petitioner Nos. 1 and 2 are my real sister's son have amicably settled our

disputes and I hereby give my No Objection for quashing of the Chargesheet in pursuance thereto, the Respondent No. 2 is affirming this Affidavit to file before the Hon'ble High Court.

3. *I further state that the Petitioner Nos. 1 and 2 are my real sister's son have amicably settled our disputes and I hereby give my No Objection for quashing of the Chargesheet in pursuance thereto, the Respondent No. 2 is affirming this Affidavit to file before the Hon'ble High Court.*

4. *I further state that I have No Objection, if the Chargesheet is quashed and the proceedings in C.C. No. 277/PW/2026 arising in C.R. No. 48 of 2026 registered with Nagpada Police Station may kindly be ordered to be quashed.*

5. *I further state that I have no grievances against the Petitioners and we have decided to withdraw all the allegations levelled against both of them.*

6. *That the dispute with the Accused is amicably settled outside the Court premises and I do not wish to prosecute the Accused.*

7. *I say that we are the relatives and therefore, we settled the dispute between the First Informant and the Petitioners out of the Court.*

8. *I say that I hereby consent for quashing of the criminal proceedings initiated by me against the Accused persons vide C.C. No. 277/PW/2026 arising in C.R. No. 48 of 2026 presently pending on the file of the Ld. Metropolitan Magistrate 69th Court, Mazgaon Mumbai for offences under Section 78, 79, 3(5) of Bharatiya Nyaya Sanhita, 2023 r/w. Section 66(E), 66(A) of Information & Technology Act, 2000 against the accused/Petitioners abovenamed;*

9. *I hereby give my consent towards the quashing of the criminal proceedings. I say that my consent towards the quashing of the criminal proceedings is out of my free will and not a result of any force, coercion, mis representation or inducement in any manner.*

10. Considering the facts mentioned hereinabove, the submissions of the learned Advocates, the statement made by the

Respondent No. 2 before this Court and in her Affidavit (X-2) that she and her nephews have amicably resolved the dispute, as a result of which she has no grievance whatsoever against the Applicants and the statements made by Respondent No.2 before the Magistrate under Section 183 of the BNSS, 2023, no useful purpose would be served in continuing with the criminal proceedings.

11. Having regards to the pronouncements of the Hon'ble Supreme Court in the case of *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 the above, this Application is allowed in terms of prayer clause (a), subject to payment of cost of Rs. 1,00,000/- each by the Applicants and Rs. 1,00,000/- by the Respondent No. 2. Payment of costs is a condition precedent. Consequently, the

1 2012 10 SCC 303

2 2014 6 SCC 466

3 2017 9 SCC 641

impugned FIR and the chargesheet arising out of the impugned FIR are quashed.

13. The Applicants shall jointly deposit costs of Rs. 2,00,000/- (Rs. 1,00,000/- each), and Respondent No. 2 shall deposit costs of Rs. 20,000/- in the account mentioned below within three (3) weeks from today.

Account Name :	Bar Council of Maharashtra and Goa Advocate Aid Fund.
Bank Name :	State Bank of India
Branch Name :	Mumbai Main Branch
Account Number :	10996711937
IFSC Code :	SBIN0000300
Type of Account :	Saving A/c

14. The compliance affidavit, along with the proof of deposit, shall be filed by the Applicants and Respondent No. 2 in the Registry of this Court on or before 15.06.2026.

15. Criminal Application No. 792 of 2026 is disposed of

(ASHWIN D. BHOBE, J.)