

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 881 OF 2026**

Suresh Kanjibhai Turakhia And Anr.

... Applicants

Versus

The State Of Maharashtra And Anr.

... Respondents

Mr. Hrishikesh Mundargi a/w Mr. Pankaj Waghela, for the Applicant.

Mr. Murtaza Najmi a/w Adv. Abhinesh Yadav, Adv. Farida Najmi, Adv. Nancy Kanungo a/w D. K. Shukla, for the Respondent No. 2

Ms. Shilpa Talhar, APP for the Respondent – State.

PSI – R. G. Gujar. Malad Police Station, is present.

CORAM : ASHWIN D. BHOBE, J.

DATE : 6th MAY, 2026.

P.C. :

1. Heard Mr. Hrishikesh Mundargi learned Advocate for the Applicants, Ms. Shilpa Talhar learned APP for the Respondent – State and Mr. Murtaza Najmi learned Advocate for the Respondent No. 2.

2. This Application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is filed by the Applicants seeking to quash FIR No. 474 of 2025, dated 19.08.2025, registered with Malad Police Station

(hereinafter “*impugned FIR*”), for offences punishable under Sections 420, 406 read with 34 of the Indian Penal Code, 1860.

3. Mr. Hrishikesh Mundargi and Mr. Murtaza Najmi submit that the subject matter of the impugned FIR is a pure commercial dispute between the Applicants and the Respondent No. 2 relating to the purchase/sale of flats. They submit that the Respondent No. 2 had booked two flats in the Applicants' building. They submit that there was a delay in handing over possession of the said flats, which led to a dispute. This dispute prompted the Respondent No. 2 to file a complaint, which was registered as the impugned FIR. They submit that the said commercial dispute has been amicably resolved between the Applicants and the Respondent No. 2. They submit that the Applicants have decided to return the entire amount received from the Respondent No. 2. They submit that, in view of the settlement, the Respondent No. 2 has affirmed an affidavit dated 30.04.2026, stating no objection to the quashing of the impugned FIR. They therefore request the quashing of the impugned FIR.

4. The Applicants are present in Court and are identified by

their Advocate, Mr. Hrishikesh Mundargi. He tenders photocopies of the Applicants' identity cards (2 Nos.), which are taken on record and marked as **"X-Colly"** for identification.

5. Respondent No. 2 is present in Court and is identified by his Advocate Mr. Murtaza Najmi. He submits a photocopy of Respondent No. 2's identity card, which is taken on record and marked as **"X-1"** for identification.

6. Mr. Murtaza Najmi tenders the Affidavit dated 30.04.2026, affirmed by Respondent No. 2 before Notary Mrs. Snehal Sawant, which is taken on record and marked as **"X-2"** for identification.

7. Respondent No. 2 states that he has filed the Affidavit (X-2) of his own free will, without any force or coercion from anyone. He states that the contents of the Affidavit (X-2) are true and as per his say. Respondent No. 2 states that the entire dispute between him and the Applicants is now amicably resolved and that the Applicants have returned the amount of Rs. 81,20,000/- to him. He states that on receipt of the said amount, he has no claim whatsoever against the Applicants. He states that in view of the

settlement, he has given his no objection and has no further intention to continue with the criminal proceedings. He reiterates his no objection for quashing of the impugned FIR by relying on Paragraph Nos. 2 and 3 of his affidavit (X-2), which are transcribed herein below in verbatim :-

“2. I had invested monies with the Accused on the assurance of repayment with interest @ 21% per annum or allotment of a flat. As neither repayment nor allotment was made, therefore I lodged the aforesaid FIR. The disputes have now been amicably resolved and I have agreed to accept a sum of Rs. 81,20,000/- (Rupees Eighty-One Lakh Twenty Thousand only) towards full and final settlement, payable by Demand Draft. Upon receipt and realization of the said amount, no further amount remains due.

*3. In view of the settlement, I have no surviving grievance against the Accused and have no objection if the aforesaid FIR and all consequential proceedings are quashed by this Hon'ble Court under its inherent jurisdiction, including under **Section 528 BNSS**. I undertake to cooperate in the quashing proceedings.”*

8. Ms. Shilpa Talhar, learned APP for Respondent No. 1-State, submits that as the private commercial dispute between the Applicants and Respondent No. 2 has been amicably resolved,

Respondent No. 1 has no objection to the quashing of the impugned FIR. She, however, submits that as a commercial transaction has been cloaked in criminality and brought to the police, thereby setting the police machinery in motion, exemplary costs should be imposed on the Applicants as well as Respondent No. 2. In the facts of this case, she submits that each of the Applicants and Respondent No. 2 should be directed to pay costs of Rs. 1,00,000/-.

9. Mr. Hrishikesh Mundargi, and Mr. Murtaza Najmi, on instructions from Applicants and Respondent No. 2 submit that they shall deposit the cost.

10. Considering the facts mentioned hereinabove, the submissions of the learned Advocate for the parties, the predominantly civil nature of the dispute, the statements made by Respondent No. 2 before this Court and in his affidavit (X-2), and the no objection to the quashing of the impugned FIR by Respondent No. 1, no useful purpose would be served by continuing the criminal proceedings.

11. Having regard 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 cost of Rs. 1,00,000/- by the Respondent No. 2. Payment of costs is a condition precedent. Consequently, the impugned FIR is quashed.

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

1 2012 10 SCC 303

2 2014 6 SCC 466

3 2017 9 SCC 641

Bar Council of Maharashtra and Goa Advocate Aid Fund	
Account No. :	10996711937
Bank:	State Bank of India
Branch:	Mumbai Main Branch
IFSC Code:	SBIN0000300

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 10.06.2026.

16. Criminal Application No. 881 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)