

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 979 OF 2026

Niraj Rajaram More

.. Applicant

Versus

The State of Maharashtra and Anr.

.. Respondents

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- Mr. Arjun Pawar a/w. Mr. Shrikant Patil, Mr. Swapnil Pawar and Mr. Rohan Bhondave, Advocates for Applicant.
- Ms. Sangeeta Phad, APP for Respondent No.1 – State.
- Mr. Gaurav D. Kakade, Advocate for Respondent No.2
- Mr. Satyam A. Surana, appointed as *Amicus Curiae*.

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 17, 2026.

P.C.:

1. Heard Mr. Patil, learned Advocate for Applicant, Ms. Phad learned APP for Respondent No.1 - State, Mr. Kakade, learned Advocate for Respondent No.2 and Mr. Surana, learned *Amicus Curiae* appointed by the Court.

2. Present Application is filed under Section 528 of the Bharatiya Nagrik Surakshana Sanhita, 2023 (for short “**BNSS**”) seeking to quash and set aside First Information Report / Crime No.637 of 2023 dated 30.09.2023 registered with Chikhali Police Station, Pimpri Chinchwad, Pune for offences punishable under Sections 143, 147, 148, 149, 307, 323, 504 and 506(2) of Indian Penal Code, 1860 (for short “**IPC**”) read with Sections 3 and 25 of the Arms Act, 1959.

3. Briefly stated, it is prosecution's case that on 28.09.2023 Ganesh Visarjan procession was organised by one Sudhir Bhagwan More (Complainant) from Vitthal Ruhkmini Housing Society to Chikali. During the procession a quarrel broke out between two groups of persons dancing in the procession which was immediately resolved by Respondent No.2 – Complainant.

3.1. The next day i.e. on 29.09.2023, Respondent No.2 – Complainant received a phone call from one Kishore who abused him and asked him to come to Narayan Housing Society, Morwasti, Chikali. Complainant left his home and proceeded to Narayan Housing Society, Morwasti, Chikali where he met Applicant along with Kishore and one Yash Jadhav standing on the road. When Complainant approached them, they began hurling abuses at Complainant regarding the previous day's dispute and inflicted fist and kick blows upon him.

3.2. Thereafter, several persons assaulted Respondent No.2 – Complainant and when he raised an alarm, Applicant took out a pistol and threatened to kill Respondent No.2 – Complainant however due to the scuffle a large crowd began to gather and therefore the assaulters fled and Respondent No.2 – Complainant. However was taken to hospital by his friend for medical treatment. On 30.09.2023, Respondent No.2 – Complainant lodged FIR being CR No.637 of 2023 at Chikhali Police Station, Pimpri Chinchwad, Pune for offences punishable under Section 143, 147, 148, 149, 307, 323, 504, 506(2) of

IPC and Sections 3 read with 25 of Arms Act against Applicant and other persons. Applicant filed Anticipatory Bail Application before District and Sessions Court, Pune which came to be rejected. Applicant challenged the same before this Court in Anticipatory Bail Application No.3136 of 2023, which was allowed by order dated 04.11.2023.

4. Mr. Pawar, learned Advocate for Applicant would submit that none of the ingredients of any of the Sections of IPC invoked against him are fulfilled, therefore they cannot be applied against him. He would submit that Complainant was aware that Applicant possessed a licensed pistol and therefore has levelled false accusations in the FIR against Applicant.

5. Mr. Kakade, learned Advocate for Respondent No.2 – Complainant would submit that both parties are known to each other and are friends and are seeking to quash FIR being CR No.637 of 2023 by consent and Respondent No.2 has filed Affidavit dated 21.08.2026 to that effect.

6. It is seen that there are 7 accused persons named in the FIR and Applicant is one of the accused persons before me. Respondent No.2 – Complainant seeks to quash the FIR against one accused person i.e. Applicant only. Therefore, the position of law as to whether this Court in exercise of powers under Section 482 of Code of Criminal Procedure, 1973 or Section 528 of BNSS, 2023 can partially quash FIR against some accused persons needs to be examined. Mr. Surana,

learned *Amicus Curiae* would submit that there is no bar under either Section 482 of Code of Criminal Procedure, 1973 or Section 528 of BNSS, 2023 that prevents quashing of FIR against certain accused persons only neither is there any requirement by law to quash FIR / proceedings as a whole against all accused persons. He would refer to and rely upon the decisions of the Supreme Court and Delhi High Court in the following cases in support of his submissions:- (i) ***Lovely Salhotra and Anr. Vs. State of NCT Delhi and Anr.***¹ and (ii) ***K. Bharthi Devi and Anr. Vs. State of Telangana***² ; (iii) ***Mrs. Poonam Khanna V/s. State and Ors.***³; (iv) ***1. Vijay Kumar Gupta 2. Raj Kumar Sharma 3. Vinod Chaudhary Vs. 1. State 2. Standard Chartered Bank***⁴ ; (v) ***Sunil Tomar Vs. The State of NCT Delhi & Anr.***⁵ and; (vi) ***Ishwar Pratap Singh & Ors. Vs. The State of Uttar Pradesh***⁶.

7. I have heard learned Advocates for both the parties, learned APP and learned *Amicus Curaie*. Affidavit of Consent of Respondent No.2 – Complainant dated 31.08.2026 is placed on record before me. I have perused the same. Considering the *lis* between the parties and the statements made in paragraph Nos.4, 5 and 6 of the Consent Affidavit which are being delineated and reproduced below for ease of reference, the Application is considered for quashing of the FIR.

Paragraph Nos.4, 5 and 6 of the Consent Affidavit read thus:-

¹ Criminal Appeal No.670 of 2017 decided on 10th April 2017

² Criminal Appeal arising out of Special Leave Petition (Criminal) No.4353 of 2018) decided on 03rd October 2023

³ Criminal M.C No.3690 of 2016 decided on 30th January 2018

⁴ Criminal M.C. No.2289 of 2013 decided on 09th March 2017

⁵ Criminal M.C.1741 of 2021 decided on 12th April 2022

⁶ Criminal Appeal No.2039 of 2017 decided on 28th November 2017

“4. I now wish to bring to the attention of this Hon’ble Court that, given the circumstances of the night-time incident, I was unable to accurately identify Niraj More and his involvement. Upon subsequent reflection and clarification, it has come to my attention that the Applicant, Niraj Rajaram More, was, in fact, not involved in the acts alleged in my complaint, specifically regarding the physical assault and the firearm threat. I believe that the Applicant's name was inadvertently mentioned due to the confusion and chaos of the incident.

5. I further state that I have no intention or desire to pursue any prosecution against the Applicant, Niraj Rajaram More, as he was mistakenly included in my initial complaint. All misunderstandings and any grievances I had regarding him have been resolved.

6. I am filing this affidavit voluntarily and on my own free will, without any pressure, coercion, or undue influence, to clarify the facts for this Hon’ble Court and to express my lack of objection to the quashing of FIR C.R. No. 0637 of 2023 and all the subsequent proceedings i.c. Sessions Case No. 1000 of 2026 arising out of the same and pending before the Ld. Additional District & Sessions Court, Pimpri Chichwad as it pertains to the Applicant, Niraj Rajaram More.

8. Case of the Applicant before me is clearly covered by the decision of Supreme Court in the case of ***Lovely Salhotra and Anr. Vs. State of NCT Delhi and Anr.*** (Supra) and of this Court in the case of ***Alpesh Arvindbhai Patel and Others Vs. The State of Maharashtra and Other***⁷, Hence there can be no impediment in allowing the present Application for quashing the Complaint *qua* the Applicant before me, who is 1 out of the 7 Accused persons in the present crime.

9. Section 482 of the Criminal Procedure Code, 1973 conferred inherent powers on High Courts to pass such orders as are justified to give effect to any order in the Court, prevent abuse of process of any Court or secure the ends of justice. In the BNSS this provision stands incorporated with Section 528 which substantially reproduces the language and intent of Section 482 of the CRPC, 1973 High Courts

⁷ Criminal Writ Petition No.3721 of 2018 Decided on 17.03.2023

invoke this provision to step in where cases have been instituted with malafide motives or to harass the accused person thereby avoiding procedural harassment. It empowers Court to dismiss FIRs or criminal proceedings if there is no *prima facie* case or evidence against the accused person/s or if orders are made in violation of the principles of natural justice. The exercise of such powers under Section 482 of CRPC and now Section 528 of BNSS remains discretionary and varies from case to case.

10. In *State of Harayana vs Bhajan Lal*⁸ the Supreme Court laid down model categories and guidelines in paragraph No. 102 of the said judgment in which the FIRs can be quashed. The Supreme Court has furthered asserted that power under Section 482 is an acknowledgment of "powers inherent" and not the source of powers additional. It has held that even non compoundable offences can be quashed where necessary. It has held that High Courts have to decide whether the prosecution of an offence would further or be against the interest of justice. It is also held that grievous offences such as murder, rape, and dacoity cannot ordinarily be quashed even after settlement because they involve societal implication.

11. In the above context, when parties settle their private dispute or the *lis* between them is purely civil and commercial or matrimonial and the offence is not heinous or does not impact the society at large,

8 1992 AIR 604

the Court can consider such request. In such a case awarding costs for putting the criminal law into motion on the act of the accused persons and thereafter both parties seeking quashing of proceedings by consent, in my opinion, can be considered by Court which can impose costs on the parties, especially so in matters coming before the Court by “consent quashing”.

12. For above levy of costs the legal principle rests on the logic that criminal law cannot be used as a bargaining chip or a tool for private settlements after draining the State and judicial resources. In simple words, Courts cannot be used as a recovery mechanism to settle scores and/or bring the parties into subjugation. I am of the firm opinion that imposition of costs in consent quashing matters is required to be levied for three main reasons viz., wastage of public resources, consumption of valuable judicial time and for deterrence against vexatious litigation. This is because after criminal machinery is set into motion, the Police Department is forced to take cognizance, conduct investigations, attend courts, deploy personnel, collect evidence and draft chargesheets, all using public funds/ public exchequer. Equally substantial judicial time of the Trial Courts and Sessions Courts is wasted for handling a case, presentation of a case, issuance of summons, scheduling of trial dates, appointment of prosecutors and their fees, etc. and ultimately if consent quashing is allowed such judicial time stands completely wasted, which could have

otherwise been used for genuine Trial Court matters/ litigation. in one way such matters result in clogging the legal system and lead to humongous pendency which becomes difficult to tackle.

13. Another aspect to consider for imposing costs is that it curbs the growing trend of filing strategically exaggerated criminal complaints (especially matrimonial or commercial disputes) simply to force financial and legal settlements. In a given case made out on merits of the matter, even the Complainant can be put to costs while considering a quashing Petition purely on merits depending upon the facts of each case before Court. In some strong circumstances, even the State machinery can be put to costs if a purely civil dispute between parties strongly emanating from the facts on record is registered as criminal case and given the flavor of criminality. This Court is also equally conscious about not imposing costs blindly or mechanically if a particular party is not found to be remiss or at explicit fault for abusing the law, as also conscious about heinous offences impacting the society at large while considering consent quashing.

14. Applying the aforesaid principles to the facts of the present case, I am of the opinion that the Complainant invoking criminal proceedings against Applicant and subsequently retracting his allegations which have led to both parties seeking quashing by consent, the Complainant should pay costs. Hence, is directed to pay costs of Rs.20,000/- towards the Corpus of **A.K. Munshi Yojana** a trust which

runs medical centres, vocational training centres and which also runs a Special School called **J.T. Sheth Mandbuddhi Vikas Kendra**, imparting education and training to the needs of 150 special children in the field of Education (Classes for 6 to 18 years), early intervention (upto 6 years) and vocational training (18 years above) having its school address and building at A.K. Munshi Yojana Chowk, 3rd Panjarapole Lane, C.P. Tank, Mumbai – 400 004 [Contact Nos. 22425513 / 22423654] registered under the Society Registration Act, XXI of 1980 under No. : 387/81 GBBSD and the Public Trust Act, XXIX of 1950 under No. F-6809. RCI Reg. No. 0163 within a period of 2 weeks from the date of uploading of this order within a period of two weeks from date of uploading of this order.

15. In view of the above, Applicant stands allowed in terms of prayer clause “a” which reads as thus:-

“a) That this Hon’ble Court may pass appropriate writ / direction / orders and quash and set aside the FIR bearing vide C.R. No.637 of 2023 registered wit the Chikhali Police Station, Pimpri Chinchwad, Pune for the offence punishable 143, 147, 148, 149, 307, 323, 504, 506(2) of Indian Penal Code and u/s. 25 r/w. S.3 of the Arms Act and all the subsequent proceedings arising from the same as against the Applicants,

16. List the present Application for compliance of the order regarding payment of costs on **06th October 2026**.

17. Criminal Application is allowed and disposed of.

[MILIND N. JADHAV, J.]

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