

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.5113 OF 2026

Abhijeetsingh Jatindersingh Gujral .. Petitioner
Versus
The State of Maharashtra and Anr. .. Respondents

WITH
WRIT PETITION (ST.) NO.19847 OF 2026

Manjitkaur Jaspalsingh Chaddha .. Petitioner
Versus
The State of Maharashtra and Anr. .. Respondents

-
- Mr. Chetan Arvind Alai a/w. Mr. Rishab Chaurasia and Mr. Pranit Pawar, Advocates for Petitioner in Writ Petition No.5113 of 2026 and Respondent in Writ Petition (Stamp) No.19847 of 2026.
 - Ms. Meghna Gowalani, Advocate for Respondent No.2 and Petitioner in Writ Petition No.5113 of 2026.
 - Mr. Sukanta A. Karmakar, APP for Respondent No.1 – State.
-

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 01, 2026

P.C.:

1. Heard Mr. Alai, learned Advocate for Petitioner in Writ Petition No.5113 of 2026 and Respondent in Writ Petition (Stamp) No.19847 of 2026 and Ms. Gowalani, learned Advocate for Respondent No.2 and Petitioner in Writ Petition No.5113 of 2026 and Mr. Karmakar, learned APP for Respondent No.1 – State.

2. Writ Petition No.5113 of 2026 is on board today. Parties are seeking consent quashing.

3. At the outset, by consent both the learned Advocates - Mr. Alai and Ms. Gowalani, persuade the Court to take on record and board Criminal Writ Petition (Stamp) No.19847 of 2026 which is supposed to be listed on 08.10.2026.

4. Both the learned Advocates inform the Court that parties are the same. However these are two cross Petitions. Even though they arise out of different First Information Reports but the cause of action is the same. They inform the Court that the dispute had arise between parties with regard to the Will of the deceased and subsequent issues relating to distribution of estate.

5. Now the entire dispute between the parties is reconciled and the looming criminal proceedings are required to be ended so that the parties can live their life freely. It is *prima facie* seen that in the first Petition, First Information Report is of the year 2021 and in the second Petition, the First Information Report is of the year 2024.

6. I have perused the material on record and after going through the same, I am inclined to accept the request made by both the parties for consent quashing. Parties are personally present before the Court and are identified by their respective Advocates and have interacted with me and have persuaded the Court to put an end to the criminal proceedings, since it is a family matter and all parties are relatives.

7. 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 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.

8. In *State of Harayana vs Bhajan Lal*¹ 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 further 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

¹ 1992 AIR 604

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.

9. 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, 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”.

10. 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.

11. 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.

12. Applying the aforesaid principles to the facts of the present case, I am of the opinion that the Petitioner in both the Petitions for their actions resulting in the complainant invoking criminal proceedings and now both the parties seeking quashing by consent, the Petitioners should pay costs. However since the parties have set the criminal law in motion, I am inclined to direct the parties to pay costs. Both parties shall pay costs of Rs.12,500/- each that is total costs of Rs.25,000/- 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 two weeks from the date of uploading of this order. Petitioner in both the Petitions are present in Court and through their learned Advocates agree to pay the aforesaid costs amount to the charity.

13. Adhering to the request, both the Petitions are allowed by the Court by consent quashing.

14. Writ Petition No.5113 of 2026 stands allowed in terms of prayer clauses (a) to (c) which read thus:-

- “a) this Hon'ble Court be pleased to quash and set aside the FIR bearing No. 1-132 of 2021 registered with Mumbai Naka Police station, Nashik qua the present Petitioner herein (original accused no.2);*
- b) this Hon'ble Court be pleased to quash and set aside the Chargesheet bearing no. 137/2021 and supplementary chargesheet bearing No. 125 of 2022 filed in FIR bearing no. I-132 of 2021 registered with Mumbai Naka Police station, Nashik qua Petitioner herein (accused no.2) and the ancillary proceeding bearing no. R.C.C. no 1169 of 2021 arising out of the said FIR bearing 1-132 of 2021 registered with Mumbai Naka Police station, Nashik;*
- c) pending the hearing and final disposal of the present Petition, stay all further proceedings arising out of C.R. No. 1-132 of 2021 qua the Petitioner and direct that no coercive steps be taken against the Petitioner in connection therewith.”*

15. Writ Petition (Stamp) No.19847 of 2026 stands allowed in terms of prayer clauses (a) and (b) which read thus:-

- “(a) issue an appropriate writ, order or direction quashing and setting aside C.R. No. 170 of 2024 dated 16.06.2024 registered with Sarkarwada Police Station, Nashik, for offences under Sections 420, 467, 468, 471, 120-B and 34 of the Indian Penal Code, 1860, and all consequential proceedings arising therefrom, qua the present Petitioner;*
- (b) pending final disposal of this Petition, stay further proceedings arising from the said C.R. No. 170 of 2024 qua the present Petitioner, on such terms as this Hon'ble Court considers appropriate;”*

16. List the Writ Petitions for compliance of the order regarding payment of costs on 15th October 2026.

17. Advocates in both Petitions for Petitioner shall remain present and show compliance on behalf of both Petitioners on the returnable date for compliance. If they do not remain present and there is non-compliance of this order, Court will pass appropriate order for recall of this order, which shall be noted by the Petitioners/parties to both Petitions.

18. Writ Petition No.5113 of 2026 and Writ Petition (Stamp) No.19847 of 2026 are allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date: 2026.10.01
19:16:01 +0530