Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2029 OF 2026

Mahendra Pratap Singh And Ors. .. Applicants

Versus

The State of Maharashtra and Anr. .. Respondents

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- Mr. Juzer Udaipuri a/w. Ms. Sofiya Udaipuri, Mr. Firdaus Udaipuri, Advocate for Applicants.
- Mr. Sukanta A. Karmakar, APP for Respondent No.1 – State.
- Mr. Ashok Shahani a/w. Mr. Sagar Shahani, Mr. Sanjiv Kumar Varma, Advocates for Respondent No.2.
- Respondent No.2 – Dr. Sudhir Medhekar, present.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 19, 2026.

P.C.:

1. Heard Mr. Udaipuri, learned Advocate for Applicants; Mr. Karmakar, learned APP for Respondent No.1 – State and Mr. Shahani, learned Advocate for Respondent No.2.

2. This Petition is filed under Section 528 of the BNSS by parties on the ground of "consent quashing". With the able assistance of the learned Advocates for the respective parties and learned APP, I have perused the entire record of the case. I do not find it necessary to delineate the same in its entirety herein for the sake of brevity.

3. Considering the dispute between the parties having been resolved and settled amicably, the criminal complaint which was filed

under the Atrocities Act needs to be accepted by the Court for consent quashing so that both parties can live their respective lives fruitfully .

4. Without prejudices to the rights and obligations of the respective parties, and on the request of Complainant and after perusing the Complainant's Consent Affidavit dated 19.10.2026, I am inclined to accept the request made to the Court for consent quashing.

5. 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.

6. In ***State of Harayana vs Bhajan Lal***[1] the Supreme Court laid

1 1992 AIR 604

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.

7. 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”.

8. 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.

9. 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.

10. Applying the aforesaid principles to the facts of the present case, I am of the opinion that the Applicants for their actions resulting in the complainant invoking criminal proceedings and now both the parties seeking quashing by consent, the Applicants should pay costs. Hence, Applicants are directed to pay costs of Rs.10,000 to Account Name: The High Court Employees Medical Welfare Fund at Mumbai, Bank Name and Branch: Bank of India, Mumbai (Main) Branch, Account No.: 000120110001337 and IFSC Code: BKID0000001 within a period of two weeks from the date of uploading of this order.. All Applicants are present in Court and through their learned Advocates agree to pay the aforesaid costs amount to the charity.

11. In view of the above matter, the present Application deserves to be allowed subject to payment of costs as directed herein above. It is so allowed in terms of prayer clause ‘b’ which read thus:-

> *"(b) quash and / or set aside Crime Registration No. 125/2010 in Special Court Case No. 02/2011 pending on the file of the file of Court Room No.60, 2nd Floor, Bombay City Civil & Sessions Court, Being The Special Court Under The Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989, filed Under Sections 3(1)(10) The Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989, read with Sections 324, 323, 504, 500, 427, 34 I.P.C., 1860."*

12. List the Application for compliance of the order regarding payment of costs on **3rd November 2026**.

13. Advocate in Application for Applicants shall remain present and show compliance on behalf of Applicants on the returnable date for compliance. If learned Advocate 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 Applicants/parties to Application.

14. The petition stands disposed of in terms of the settlement, and the parties are requested to abide by their obligations to withdraw or close any other pending cases or complaints between them.

15. Application is allowed and disposed.

[MILIND N. JADHAV, J.]

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AJAY TRAMBAK UGALMUGALE

Digitally signed by AJAY TRAMBAK UGALMUGALE
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