

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4532 OF 2026

Mohammed Jasim Bhati .. Petitioner
Versus
The State of Maharashtra & Ors. .. Respondents

WITH
WRIT PETITION (ST) NO. 15657 OF 2026

Rajeev Narayandas Bhathija .. Petitioner
Versus
The State of Maharashtra & Anr. .. Respondents

WITH
WRIT PETITION (ST) NO. 15658 OF 2026

Samina Rayees Khan .. Petitioner
Versus
The State of Maharashtra & Anr. .. Respondents

WITH
WRIT PETITION (ST) NO. 15660 OF 2026

Horace Poorekhorsandi .. Petitioner
Versus
The State of Maharashtra & Anr. .. Respondents

WITH
WRIT PETITION (ST) NO. 15666 OF 2026

Abdul Kader Haji Noor Mohammed .. Petitioner
Versus
The State of Maharashtra & Anr. .. Respondents

WITH
WRIT PETITION (ST) NO. 17775 OF 2026

Shakeel Ahmed Bhati .. Petitioner
Versus
The State of Maharashtra & Ors. .. Respondents

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- Mr. Jasim Bhatti / Shakeel, Advocate for Petitioners
 - Mr. Govind Javeri a/w Mr. Pradhuman Chauhan
 - Mr. Ankit Makhija, Advocate for First Informant
 - Mr. Advait Helekar a/w Ms. Anuja Tamble i/by Mr. Adithya R. Iyer, Advocates for Intervenor
 - Mr. Paresh Gargade, PSI (Pairavi Officer), Versova Police Station

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 18, 2026

P. C.:

1. Heard learned Advocates appearing for the parties.
2. Present Petitions are filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking to quash the FIR bearing No. 0456 of 2026 registered with Versova Police Station.
3. Complainant is a member of a Co-operative Housing Society who had an issue with regard to his gala *qua* redevelopment undertaken by the said Society.
4. I have heard learned Advocates appearing for the parties at the bar.
5. Mr. Helekar would persuade the Court to consider his intervention. He represents the old developer who has been terminated by the Society. He would submit that by virtue of the FIR filed by the Complainant *qua* his own gala in the redevelopment,

certain substantive rights of the old developer are also attached thereto and therefore the developer be allowed to intervene and file an intervention application in the present matter. He would inform the Court that the old developer is behind bars and therefore he has received instructions from him to intervene and he needs time to take instructions from him. He also informs the Court that in the meanwhile, there have been several civil proceedings between the parties *qua* their substantive rights vis-a-vis the old developer which are pending in this Court as well as arbitration proceedings in civil proceedings.

6. Insofar as the present Petitioners are concerned, they are accused by Complainant having colluded with the new developer appointed by the Society, but his complaint is restricted to his own gala premises only. In this view of the matter, whatever may be the substantive rights of the old developer *qua* the Society who has terminated his D.A., he is free to agitate the same in any appropriate proceeding as may be available to him in accordance with law. He has in fact already filed civil proceedings in this Court and arbitration proceedings as well. His intervention in the present present Petitions which the Petitioners and the Complainant are willing to quash by consent is not maintainable and therefore, the request made by Mr. Helekar stands outrightly rejected. Needless to state that any right

that may accrue to the old developer with regard to his relationship with the Society or the development in question or his D.A. which is terminated, the same are kept open as available to him in accordance with law without this Court opining anything on merits of the same *qua* the rights of the old developer. His intervention in the criminal complaint filed by one member of the Society *qua* his premises is not maintainable.

7. Six Consent affidavits of Complainant dated 12.09.2026 in above captioned six Petitions are filed before Court. I have perused the same. By virtue of what is stated therein, this Court needs to intervene so that the ignominy of the criminal proceeding *qua* the single gala belonging to the Complainant should not be carried forward since the parties have now reconciled their dispute altogether. In that view of the matter, I am inclined to allow the Petitions.

8. 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.

9. 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 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.

10. In view of the above, all six Petitions are allowed in terms of prayer clauses (a) which read thus:-

1 1992 AIR 604

CRIMINAL WRIT PETITION No. 4532 of 2026:-

- “a. *that this Hon'ble Court may be pleased to Issue a Writ of Certiorari or any other appropriate writ, order, or direction in the nature of Certiorari, calling for the records and proceedings in respect of FIR C.R. No. 0456 of 2026 registered with the Versova Police Station, Mumbai, and after examining the legality, validity, and propriety thereof, be pleased to quash and set aside the same;*

CRIMINAL WRIT PETITION (ST) NO. 15657 OF 2026:-

- “a. *This Hon'ble Court may be pleased to Issue a Writ of Certiorari or any other appropriate writ, order, or direction in the nature of Certiorari, calling for the records and proceedings in respect of FIR C.R. No. 0456 of 2026 dated 06.05.2026 (Exhibit-A) registered with the Versova Police Station, Mumbai, and after examining the legality, validity, and propriety thereof, be pleased to quash and set aside the same;*

CRIMINAL WRIT PETITION (ST) NO. 15658 OF 2026:-

- “a. *This Hon'ble Court may be pleased to Issue a Writ of Certiorari or any other appropriate writ, order, or direction in the nature of Certiorari, calling for the records and proceedings in respect of FIR C.R. No. 0456 of 2026 dated 06.05.2026 (Exhibit-A) registered with the Versova Police Station, Mumbai, and after examining the legality, validity, and propriety thereof, be pleased to quash and set aside the same;*

CRIMINAL WRIT PETITION (ST) NO. 15660 OF 2026:-

- “a. *This Hon'ble Court may be pleased to Issue a Writ of Certiorari or any other appropriate writ, order, or direction in the nature of Certiorari, calling for the records and proceedings in respect of FIR C.R. No. 0456 of 2026 dated 06.05.2026 (Exhibit-A) registered with the Versova Police Station, Mumbai, and after examining the legality, validity, and propriety thereof, be pleased to quash and set aside the same;*

CRIMINAL WRIT PETITION (ST) NO. 15666 OF 2026:-

- “a. *This Hon'ble Court may be pleased to Issue a Writ of Certiorari or any other appropriate writ, order, or direction in the nature of Certiorari, calling for the records and proceedings in respect of FIR C.R. No. 0456 of 2026 dated 06.05.2026 (Exhibit-A) registered with the Versova Police Station, Mumbai, and after examining the legality, validity, and propriety thereof, be pleased*

to quash and set aside the same;

CRIMINAL WRIT PETITION (ST) NO. 17775 OF 2026:-

“a. This Hon'ble Court may be pleased to Issue a Writ of Certiorari or any other appropriate writ, order, or direction in the nature of Certiorari, calling for the records and proceedings in respect of FIR C.R. No. 0456 of 2026 registered with the Versova Police Station, Mumbai, and after examining the legality, validity, and propriety thereof, be pleased to quash and set aside the same;

11. All six Petitions are allowed and disposed.

Amberkar

[MILIND N. JADHAV, J.]

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