

Nikita

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR**

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4630 OF 2025

- 1) Shahrukh Abdul Rauf Shaikh,
Aged: 25 years, Occ: Estate agent,
- 2) Smt. Rukhsana Abdul Rauf Shaikh,
Aged: 55 yrs, Occ: Housewife,
- 3) Maruf Abdul Rauf Shaikh,
Aged: 25 yrs, Occ: Service,
- 4) Aafreen Abdul Rauf Shaikh @
Afra Abdul Rauf Shaikh,
Aged: 31 yrs, Occ: Nil,

Nos. 1 to 4 Residing at 105, "C" Wing,
Allied Enclaves, Indira Gandhi Marg,
Behind Amber Hotel, Kausa Mumbra,
District Thane. Pin Code- 400612.

- 5) Chougley Mohamed Azim Hasan,
@ Azim Chougley,
Aged: 59 yrs, Occ: Business,
Residing at Gowalkot Gaon, Chiplun,
Govalkot, Taluka Chiplun, District Ratnagiri,
Pin Code -415605.

.....Petitioners

Versus

- 1) The State of Maharashtra,
- 2) Smt. Hina Sharukh Shaikh,
@ Hina Samir Pathan,
Aged: 22 yrs, Occu: Nil,
Residing at Room No.13, Second Floor,

Rose Apartment, Guhaghar Naka, Chiplun,
Taluka Chiplun, District Ratnagiri,
Pin Code-415605.

.....Respondents

Mr. Sarfaraz K. a/w Somnath Thengal i/b Nikhil Gole
for the petitioners.

Adv. F. S. Mhatarnaik for respondent No.2.

Mr. Pankaj Deokar, APP for the State.

Mr. Ashok Somnath Rathod, ASI, Chiplun Police
Station.

**CORAM : M. S. KARNIK &
AJIT B. KADETHANKAR, JJ.**

DATED : 21st NOVEMBER, 2025

ORAL ORDER (PER AJIT B. KADETHANKAR, J.):

1. The petition is filed by the present petitioners seeking termination of criminal prosecution under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), concerning the accusation under Section 3(5), 351(2), 85 of the Bharatiya Nyaya Sanhita, 2023 registered with Chiplun Police Station, Dist. Ratnagiri which is now registered as C. R. 238 of 2025.
2. The prosecution has arisen out of the marital discord between the petitioner No.1 and the respondent No.2. Due to the differences in the marital relationship, the respondent No.2 lodged the FIR No.0238 of 2025 on 16th October, 2025 at Chiplun Police Station, against the present petitioners.
3. Contending that no offence is made out from the complaint itself, the petitioners have approached this Court.

4. During the course of proceedings, it appears that the petitioner No.1 and original complainant have arrived at amicable settlement and they have settled the dispute inter se between the petitioner No.1 and respondent No.2.
5. Today, petitioner No.1 and respondent No.2 are present in the Court before us, who are duly identified by the respective counsels. Upon asking the parties in the open court, both the parties submitted that respondent No.2 has already taken divorce from the petitioner No.1 and as of today there is no marital relation between both the parties.
6. In view of this, both the parties have submitted that the prosecution lodged by the complainant is of no use and as such needs to be quashed and set aside.
7. In view of this, we are of the considered opinion that since the marital controversy in between the parties has been resolved by the parties, by mutually adopting amicable settlement, continuation of the present proceedings will be nothing but an abuse of process of law and would not achieve any fruits of justice.
8. The C. R. No.238 of 2025 stands quashed and set aside.
9. In view of this the petition stands allowed.

(AJIT B. KADETHANKAR, J.)

(M.S. KARNIK, J.)