IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.923 OF 2025

1. Sagar Jayesh Sarvaiya]
2. Varsha Sarvaiya]
3. Jayesh Sarvaiya]
4. Ankita Shah]
5. Sanket Shah] .. Applicants

Versus

1. The State of Maharashtra,]
   Through Malad Police Station]
2. Sejal Sagar Sarvaiya] .. Respondents

Mr. Sahil Khullar, i/by Mr. Marmik Shah, Advocates for the Applicants.
Mr. J.P. Yagnik, Additional Public Prosecutor for Respondent No.1-State of Maharashtra.
Mr. Mobin Shaikh, i/by Mr. Anil S. Patil, Advocates for Respondent No.2.

CORAM : SHREE CHANDRASHEKHAR, CJ. &
GAUTAM A. ANKHAD, J.

DATE : 24TH DECEMBER 2025.

PER, GAUTAM A. ANKHAD, J.

The present Writ Petition is filed under Article 226 of the Constitution of India and section 528 of the Bhartiya Nagarik Suraksha Sanhita 2023, seeking quashing of FIR No.369 of 2023 registered on 10th July 2023 by the respondent no.2 with Malad Police Station.

2. The marriage between the applicant no.1 and the respondent no.2 was solemnized on 17th February 2022. In the FIR, the respondent no.2 alleged that dowry was demanded and that she was subjected to cruelty by the applicants. The respondent no.2 was expelled from her matrimonial home and was constrained to

reside at her maternal home. The respondent no.2 filed domestic violence complaint bearing no.274 of 2023 before Judicial Magistrate First Class, 24th Court, Borivali, Mumbai. Pending the aforesaid DV complaint, the dispute between the applicant no.1 and respondent no.2 was amicably settled out of Court and mutual consent application bearing no.784 of 2025 came to be filed before 2nd Family Court, Bandra, Mumbai. In the said application, consent terms came to be filed on 14th December 2024 and in view thereof domestic violence complaint was withdrawn and the parties have agreed to take divorce by mutual consent. A copy of the consent terms is annexed at Exhibit-B to the petition. Mr. Shaikh the learned counsel for the respondent no.2 tenders an affidavit dated 23rd December 2025 which records that the respondent no.2 has no objection to quashing of the FIR. He relies upon the consent terms dated 14th December 2024 and submits that the applicants have deposited Rs.6 lakhs in the Family Court and the balance amount of Rs.5 lakhs shall be deposited before the Family Court. Both the parties are present in the Court and identified by their respective counsel. The parties have affixed their signature and recorded their appearance in their own handwriting. The appearance and self attested copy of the Aadhaar Card of the respondent no.2 is taken on record.

3. The Hon'ble Supreme Court in *"Madhukar v. State of Maharashtra"* 2025 SCC OnLine SC 1415 has held that the inherent powers secure the ends of justice are not constrained by a rigid formula and must be exercised with reference to the facts of each case. In the present case, the differences between the parties have been settled and the respondent no.2 does not wish to proceed with the prosecution. The present petition is allowed on the express undertakings of the applicants that the entire

settlement amount will be paid to the respondent no.2. Hence, **Writ Petition No.923 of 2025** is allowed in terms of prayer clause (a) which reads as under:

> *"(a) That this Hon'ble Court be pleased to quash and set aside the F.I.R. and all future proceedings arising vide C.R. No.369 of 2023 of the Malad Police Station filed against the Applicants for offence punishable under sections 498A, 406, 323, 504, 506 and 34 of I.P.C."*

4. It is clarified that the said FIR dated 10th July 2023 and all consequential proceedings are quashed and set aside. The respondent no.2 is at liberty to apply for withdrawal of the settlement amounts from the Family Court.

[GAUTAM A. ANKHAD, J.] **[CHIEF JUSTICE]**

SNEHA ABHAY DIXIT
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