IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.5658 OF 2025

1. Arif Asgar Ali Choudhary]
2. Sakiya Asgar Ali Choudhary]
3. Khalid Asgar Ali Choudhary]
4. Afreen Khalid Choudhary]
5. Kausar Asgar Ali Choudhary]
6. Hena Asgar Ali Choudhary] .. Petitioners

Versus

1. State of Maharashtra,]
   Through Kurar Police Station]
2. Raziya Arif Choudhary] .. Respondents

Mr. Inamullah Shaikh, Advocate for the Petitioners.
Mr. S.V. Gavand, Additional Public Prosecutor for Respondent No.1-State of Maharashtra.
Mr. Atif Farooqui, Advocate 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 the following relief:

> *"(a) That this Hon'ble Court may be pleased to issue a writ of mandamus or any other writ/order and/or direction calling for the records and proceedings in respect of the FIR bearing No.0722 of 2025 registered at Kurar Police Station, Mumbai for the alleged offences punishable under sections 3 and 4 of the Dowry Prohibition Act, 1961 and sections 85, 352, 115(2) and 316(2) of the Bharatiya Nyaya Sanhita, 2023 and after perusing the F.I.R., this Hon'ble Court may be pleased to quash and set aside the same."*

2. The marriage between the petitioner no.1 and the respondent no.2 was solemnized on 20th January 2023 as per

Muslim Law and practices. The petitioner nos. 2 to 6 are the family members of the petitioner no.1. An FIR was lodged by the respondent no.2 at Kurar Police Station alleging that she was subjected to harassment and cruelty.

3. The parties have now amicably settled the disputes. The petitioner no.1 and respondent no.2 have executed consent terms dated 12th April 2025 before learned Family Court, Bandra. The consent terms record that the parties seek to dissolve their marriage by mutual consent and that they have no further grievance towards each other. The Consent Terms also record the full and final settlement towards permanent alimony/ maintenance.

4. Mr. Farooqui, learned advocate for the respondent no.2 submits that the respondent no.2 has filed an affidavit dated 15th December 2025 recording her no objection to quashing of the criminal proceedings. The respondent no.2 is in the Court and tenders her appearance along with details of her aadhar card which is duly identified and endorsed by her counsel. Mr. Shaikh, the learned counsel for the petitioner tenders his client's appearance along with the details of his aadhar card. The same shall form part of the proceedings. The present petition for quashing of the FIR and the subsequent proceedings thereto is allowed only due to the undertakings of the applicants that entire settlement amount shall be paid to the respondent no.2.

5. The Hon'ble Supreme Court in *"B.S. Joshi v. State of Haryana"* (2003) 4 SCC 675 held that the High Court can invoke its inherent power to quash criminal cases arising out of marital disputes, provided the court is satisfied that an amicable settlement has been reached. The parties have settled their

dispute, taken a divorce and in light thereof **Criminal Writ Petition No.5658 of 2025 is allowed** in terms of prayer clause (a) and the FIR bearing No. 722 of 2024 and all the consequential proceedings arising therefrom stand quashed and set aside.

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

SNEHA ABHAY DIXIT
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