

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

WRIT PETITION NO.4401 OF 2024

Rakhi Anant Sawant
D/o. Anand Shankar Sawant
Adult, Indian Inhabitant, aged about 45 years
Residing at Flat No.501, Serenity Building,
Near Safar Cafe, Jogeshwari, Mumbai
Presently, at Dubai ...Petitioner

Versus

1. The State of Maharashtra
through Inspector in charge,
Amboli Police Station,
To be served through Public Prosecutor,
High Court, Mumbai.
2. Aadil Khan
Adult, Indian Inhabitant, residing at
2348/1, Mission Hospital Road,
Mandi Mohalla,
Mysore, Karnataka 570001. ...Respondents

Mr. Ashok M. Saraogi i/b Ms. Falguni Brahmhatt, Ms. Rukhsar Anssari, Mr. Kadir Lokhandwala, Mr. Girish Palav and Ms. Priti Rao for the Petitioner.

Mr. R. M. Pethe, A.P.P for the Respondent No.1-State.

Mr. Suhail Shariff a/w Ms. Ajreen Shaikh, Ms. Mitali Varma and Mr. Mohammad Omar Hashmi for the Respondent No.2.

PSI – Nitin Kamble from Amboli Police Station, Mumbai, is present.

***CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.***

DATE : 15th OCTOBER 2025

ORAL JUDGMENT (Per Revati Mohite Dere, J.):-

1. At the outset, learned counsel for the petitioner seeks leave to amend the petition. Leave granted. Amendment to be carried out forthwith.
2. Heard learned counsel for the parties.
3. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1–State. Mr. Shariff waives notice on behalf of the respondent No.2.
4. By this petition, the petitioner seeks quashing of the FIR bearing C.R. No.870 of 2023, registered at the behest of the respondent No.2 with the Amboli Police Station, Mumbai, for the

alleged offences punishable under Sections 500 r/w 34 of the Indian Penal Code and under Section 67A of the Information Technology Act. We are informed that during the pendency of this petition, charge-sheet has been filed and as such the learned counsel for the petitioner also seeks quashing of the charge-sheet and the proceeding pending before the learned Metropolitan Magistrate, 44th Court, Andheri, Mumbai, being C.C. No.2099/PW/2025. Quashing is sought on the premise that the parties have amicably settled their dispute.

5. Perused the papers. The petitioner and the respondent No.2 got married in the year 2022 as per the Muslim rites and customs. Thereafter, the said marriage was registered. It appears that there was some matrimonial dispute/discord between the parties, pursuant to which, the petitioner filed an FIR which was registered vide C.R. No.119 of 2023 with the Oshiwara Police Station, Mumbai, for the alleged offences punishable under Sections 377, 323, 406, 498A, 504, 506 of the Indian Penal Code. The respondent No.2 also filed the

aforesaid C.R. being C.R. No. 870 of 2023, with the Amboli Police Station, Mumbai, alleging the aforesaid offences, since the petitioner had shared certain videos of the petitioner and the respondent No.2 on WhatsApp to the respondent No.2's friends.

6. Learned Counsel for the respondent No. 2 has tendered an affidavit of the respondent No.2 dated 15th October 2025. The said affidavit is taken on record. Paras 1, 3, 4, 5 and 6 of the said affidavit, reads thus:

*“1. I say that I have learnt that the above said Petitioner has preferred the above Writ Petition for Quashing of the Criminal Case No. 2099/PW/2025 arising out of FIR No. 870 of 2023 u/s 500, 34 of the Indian Penal Code r/w Section 67 of the Information Technology Act registered with Amboli Police Station pending before Ld. 44th Metropolitan Magistrate Court, Andheri, Mumbai. I am recording my Irrevocable Consent for Quashing of the above Criminal Complaint. I say that the said Criminal Case is now pending before the Ld. 44th Metropolitan Magistrate Court, Andheri, Mumbai, wherein the Petitioner is arraigned as an Accused. I say that I had filed the said complaint against petitioner, but now we have amicably settled our dispute. I now have no objection against the said Petitioner as arraigned in above C.C No. 2099/PW/2025 for **Quashing** of the said*

complaint. I also state that I am withdrawing the said complaint on account of amicable settlement between us. Therefore, I withdraw all allegations made against him in my pleading, correspondence before any legal forum and shall not cause to prosecute the same in view of the said settlement/compounding.

3. *I say that I have no complaint against the Petitioner and I do hereby cause to withdraw all allegations, complaint/s made against the Petitioner before any forum in writing or otherwise.*
4. *I say that the parties have agreed that they will not interfere in the personal life of each other and not make any remarks/comments against each other in public or before any media company or publish anything that is unjust or defamatory against each other after the filing of the present consent affidavit.*
5. *I say that after filing of this affidavit the parties herein have agreed not to pursue any future legal proceeding in any jurisdiction within India and shall withdraw all/any proceedings of whatsoever nature initiated by them anywhere in India including the city of Mysore.*
6. *I state that I agree to withdraw the following cases filed against the Petitioner within a period of 4 weeks from the date of filing of this Consent terms and that I shall remain present as and when required and shall file appropriate Consent Affidavit/No Objection:”*
 - a. *C.C. No. 126/SS/2023 u/s 499, 500 of The Indian Penal Code r/w 190, 200 of The Criminal Procedure*

Code, 1973 that is pending adjudication before the Ld. 44th Metropolitan Magistrate Court, Andheri, Mumbai.

b. PCR No. 1284 of 2023 u/s 494, 496, 406 and 420 of the Indian Penal Code pending before Ld. PRL Civil Judge and JMFC, Mysuru.”

7. Respondent No. 2 is present in Court. On being questioned, he re-iterates what is stated by him in his affidavit i.e. he has no objection for the quashing of the proceeding initiated on his behalf as against the petitioner. Learned counsel for the respondent No. 2 has tendered a self attested photocopy of the aadhar card of the respondent No. 2. The same is taken on record. Learned Counsel for the respondent No.2 has identified the respondent No.2 and the learned APP has verified the aadhar card of the respondent No.2.

8. As noted aforesaid, the petitioner and the respondent No.2 were married in the year 2022, pursuant to which, there was some marital discord between the parties. The respondent No.2 lodged the aforesaid C.R. with the Amboli Police Station, Mumbai, and the

petitioner lodged another C.R. being C.R. No.119 of 2023 with the Oshiwara Police Station, Mumbai, as against the respondent No.2. We have today, by a separate order passed in Writ Petition No.1566 of 2024, quashed the FIR, charge-sheet and the proceeding as against the respondent No.2 i.e. C.R. No.119 of 2023 registered with the Oshiwara Police Station, Mumbai, for the alleged offences punishable under Sections 377, 323, 406, 498A, 504, 506 of the Indian Penal Code and consequently, the charge-sheet and the proceeding pending before the learned Judicial Magistrate First Class, Andheri Railway Mobile Court, Andheri, Mumbai, being C.C. No.20/PW/2024.

9. As noted above, the dispute is a matrimonial dispute, which has been settled by the parties amicably.

10. Considering the nature of dispute, the amicable settlement between the parties, the affidavit filed by the respondent No.2 and having regard to the judicial pronouncements in this regard, there is no impediment in allowing the petition.

11. The petition is accordingly allowed and the FIR bearing C.R. No.870 of 2023, registered at the behest of the respondent No.2 with the Amboli Police Station, Mumbai, for the alleged offences punishable under Sections 500 r/w 34 of the Indian Penal Code and under Section 67A of the Information Technology Act and consequently, the proceeding pending before the learned Metropolitan Magistrate, 44th Court, Andheri, Mumbai, being C.C. No.2099/PW/2025, are quashed and set-aside.

12. Needless to state that, both the parties to abide by the undertakings given by them in their respective affidavits.

13. Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

All concerned to act on the authenticated copy of this judgment.

SANDESH D. PATIL, J.

REVATI MOHITE DERE, J.