

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

CRIMINAL WRIT PETITION NO.2243 OF 2025

Assam Yaseen Dalvi

.....Petitioner

Versus

The State of Maharashtra

and another

.....Respondents

Mr. Shubham Upadhyay, Advocate i/b. Muheet Musani for the
Petitioner.

Mr. J.P. Yagnik, APP for the Respondent No.1-State.

Adv Qurban H. Kudle, for the Respondent No.2.

**CORAM : SARANG V. KOTWAL &
S.M. MODAK, JJ.**

DATE : 28th APRIL, 2025

P.C. :

1. This is a Petition for quashing of the proceedings arising out of C.R. No.1012/2021 registered at Mumbra police station, District-Thane which has resulted in filing of the charge-sheet bearing R.C.C. No.1950/2022 before the learned C.J.M. Thane under Sections 376 and 420 of IPC. The matter is not yet committed to the Court of Session.

2. Heard Mr. Shubham Upadhyay, learned counsel for the Petitioner, Mr. J.P. Yagnik, learned APP for the Respondent

No.1-State and Mr. Qurban Kudle, learned counsel for the Respondent No.2.

3. The FIR is lodged by the Respondent No.2. She has stated that she got acquainted with the Petitioner in January, 2019. The Petitioner putforth a proposal of getting married with the informant. She placed trust on his proposal. She gave him Rs.2 Lakhs in October, 2019 as he had to go abroad for his job. The informant and the Petitioner used to move together to various places in Mumbai and Thane. They used to meet regularly and they used to have their physical relations, though she has stated that the physical relations were against her wish. She became pregnant and delivered a boy on 16.1.2021. The Petitioner did not take any steps to get married and, therefore, she lodged this FIR.

4. The parties have now settled their disputes. In fact, we are informed that both of them got married and they are staying together with their son. The Petitioner is now in India; though at the time of filing of the charge-sheet he was in Dubai.

5. The informant has filed her affidavit affirmed before the Assistant Registrar of this Court. The affidavit is tendered by learned counsel. It is mentioned in the affidavit that the FIR was lodged out of misunderstanding and temporary differences that existed at that point in time and were made under emotional distress and under undue influence of the relatives. Subsequently all the disputes between herself and the Petitioner were amicably resolved. They got married on 1.1.2022 and since then they are living happily and peacefully as husband and wife. The son born on 16.1.2021 is also residing with them. She has stated that she has no grievance, ill will or animosity against the Petitioner. She has given her unconditional consent for quashing of these proceedings.

6. In this view of the matter, since the parties are residing as husband and wife with their son, it would be in the interest of justice that the prosecution is quashed not only for the sake of the parties but also for the sake of their son. Therefore, we are inclined to allow this Petition.

7. Hence, the following order:

:: O R D E R ::

- i. The FIR being C.R. No.1012/2021 registered at Mumbra police station, District-Thane as well as the consequent criminal proceedings being R.C.C. No.1950/2022 pending before the learned C.J.M. Thane are quashed and set aside. With quashing of the proceedings, all the ancillary steps taken by the investigating agency in connection with this particular offence only, are also set aside.
- ii. The Petition is disposed of accordingly.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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