

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

CRIMINAL WRIT PETITION NO.3367 OF 2025

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| 1. Syed Nasiruddin Syed Ishaquddin |] |
| 2. Ishaquddin Abdul Kadar Syed (Since Deceased) |] |
| 3. Salma Ishaquddin Syed |] |
| 4. Idris Ahmed Ishaquddin Syed |] |
| 5. Farhat Begum Wahid Ali Sayyed |] |
| 6. Rafat Samiuddin Shaikh |] |
| 7. Shaikh Iffat Abdul Qayyum |] |
| 8. Wahid Ali Barkat Ali Syed |] |
| 9. Samiuddin Shaikh |] |
| 10. Shaikh Abdul Qayyum Abdul Karim |] .. Petitioners |

Versus

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| 1. The State of Maharashtra, |] |
| Through the Public Prosecutor |] |
| 2. The Senior Inspector of Police, |] |
| Nayanagar Police Station, Mira Road |] |
| 3. Mumtaz Naseruddin Sayed |] .. Respondents |

Mr. Mikdad Aziz Zumnerwala, Advocate for the Petitioners.

Mrs. Mahalaxmi Ganapathy, Additional Public Prosecutor for Respondent No.1-State of Maharashtra.

Mr. Meenaz Mozawala, Advocate for Respondent No.3.

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

DATE : 4TH 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 following prayer:

“(a) Quash the criminal proceedings being R.C.C. No.1611 of 2023 pending before the learned 9th Joint Civil Judge and Judicial Magistrate of First Class at Thane arising out of C.R. No.408 of 2020 registered by the Nayanagar Police Station (the respondent no.2 herein) against the petitioners for the offences punishable under sections 376, 354A, 498A, 323, 504, 506 r/w. 34 of the Indian Penal Code, 1860.”

2 The marriage between the petitioner no. 1 and the respondent no. 3 was solemnised in the year 1992. Due to discord between the parties, an FIR bearing C.R. No.408 of 2020 was registered at the instance of the respondent no.3 with Nyayanagar Police Station. The charge-sheet was filed before the learned 9th Joint Civil Judge and Judicial Magistrate First Class, Thane on 10th May 2023.

3 The parties have amicably settled their disputes. Mr. Mozawala, the learned counsel for the respondent no.3 submits that the respondent no.3 has filed an affidavit dated 15th June 2025 which is at page 114 of the paper-book recording the settlement arrived at by the parties. The petitioner nos.8 and 9 and respondent no.3 are present in the Court and identified by their respective counsel. They have affixed their signature on a blank piece of paper and recorded appearance in their own handwriting which shall now form part of the record.

4 The Hon'ble Supreme Court in "*Madhukar v. State of Maharashtra*", 2025 SCC OnLine SC 1415, has held that ordinarily quashing of proceedings involving offences of heinous and grievous in nature is discouraged and should not be permitted lightly. However, the inherent powers to 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. 3 does not wish to proceed with the prosecution. Thus, continuance of proceedings would not be a futile exercise. The Writ Petition no. 3367 of 2025 is allowed in terms of prayer clause (a). All proceedings in connection to C.R. No.408 of 2020 including the charge-sheet are quashed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]