

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

CRIMINAL WRIT PETITION NO.3790 OF 2025

1. Kishan Devidayal Sahani	]
2. Devidayal Sahani	]
3. Ritaben Sahani	]
4. Pawan Sahani	]
5. Havan Sahani	]
6. Gurudev Sahani	] .. Petitioners

Versus

1. The State of Maharashtra,	]
Through Samta Nagar Police Station, Mumbai	]
2. Priya aka Vimal Markandey Nishad	]
(<i>alias</i> Aparna Jitendra Rahate)	] .. Respondents

Mr. Gautam Modanwal with Ms. Noorjahan Khan, i/by Pooja,
Advocates for the Petitioners.

Mr. K.V. Saste, Additional Public Prosecutor for Respondent No.1.

Mr. Harideep Singh, Advocate for Respondent No.2.

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

DATE : 18TH NOVEMBER 2025.

PER, GAUTAM A. ANKHAD, J.

The present Writ Petition is filed under Article 226 of the Constitution of India and section 482 of the Code of Criminal Procedure, 1973 seeking quashing, by consent, of the F.I.R. bearing No.139 of 2023 dated 14th July, 2023 with the Samta Nagar Police Station, Mumbai filed under sections 323, 406, 498(A), 504, 506 and 509 of the Indian Penal Code, 1860 and proceeding bearing C.C No.713/PW/2024 pending before the learned 17th Metropolitan Magistrate's Court at Borivali.

2. The petitioner no.1 is the husband of the respondent no.2. The petitioner no.1 presently resides in Canada and cannot sign the petition and therefore has appointed petitioner no.4 as his

constituted attorney to sign and appear on his behalf by executing a special Power of Attorney. A copy of the same can be found at “Exhibit-C” of the present petition. The present dispute is of a marital nature and stems from the differences and disputes between the petitioner no.1 and the respondent no.2. Furthermore, the respondent no.2 no longer wants to take criminal action against the petitioners in view of the amicable resolution of differences between the parties. On 11th October, 2024, the parties have filed Consent terms before the Hon’ble Family Court by filing a petition for mutual divorce under section 13B of the Hindu Marriage Act, 1955. A copy of the said consent terms is annexed as “Exhibit-B” to the present petition.

3. The petitioner no.4 and the respondent no.2 are present in the Court and identified by their respective counsel. Both the parties have tendered their self-handwritten appearance which is taken on record and the same shall form part of the present proceedings. The respondent no.2 has filed an affidavit of consent dated 25th July, 2025 documenting her settlement and agreement to the current proceedings. The same can be found at page 152 of this petition. The said affidavit states that pursuant to the filing of the FIR, by mutual discussion, the differences between the petitioners and the respondent no.2 have been resolved amicably and they have decided to part ways and live peacefully in the society. The affidavit further reiterates that the respondent no.2 shall withdraw the proceedings bearing No.437/DV/2022 (“DV Case”) filed before the learned 17th J.M.F.C, Borivali as per the consent terms dated 11th October, 2024. Mr. Singh, the learned counsel for the respondent no.2 reiterates that his client has no objections to the quashing of the FIR and all related proceedings.

4. The law as laid down in “*B.S. Joshi v. State of Haryana*”

(2003) 4 SCC 675 reiterates that the Court is empowered to quash the criminal proceedings to meet the ends of justice, especially in light of matrimonial disputes wherein the complainant no longer wishes proceed with prosecution. In view of the above, **Writ Petition No.3790 of 2025 is allowed** in terms of prayer clause (a), which reads as under:

“(a). This Hon’ble Court be pleased to call for records and proceedings of CR No.139 of 2023 lodged under sections 498A, 406, 509, 323, 504, 506, 34 of IPC pending for investigation before Samta Nagar Police Station, Mumbai and C.C. No.713/PW/2024 in C.R. No.139 of 2023 and after satisfying itself, quash the same against all the accused in the interest of justice.”

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]