

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

CRIMINAL WRIT PETITION NO.3834 OF 2025

1. Sajal Sanjay Chaphekar	]	
2. Sanjay Krishnarao Chaphekar	]	
3. Sanjali Sanjay Chaphekar	] ..	Petitioners
Versus		
1. State of Maharashtra,	]	
Through Bandra Police Station, Mumbai	]	
2. Damini Dyneshwar Bhagat	] ..	Respondents

Mr. Vishal Laxman Kolekar with Mr. Harsharaj Jagtap, Advocates for the Petitioners.

Ms. Mahalaxmi Ganpathy, Additional Public Prosecutor for Respondent No.1.

Mr. Prashant Yadav with Mr. Govind Prajapati, Advocates for Respondent No.2.

Ms. Damini Dyneshwar Bhagat, Respondent No.2, is present in Court.

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

DATE : 13TH NOVEMBER 2025.

PER, GAUTAM A. ANKHAD, J.

Before this Court passed an order on 15th July, 2025 directing the Investigating Officer not to file a charge-sheet, a charge-sheet in connection to First Information Report vide C.R. No.623 of 2025 registered on 27th April 2025 came to be laid in the Court concerned. The respondent no.2 is present in the Court who is identified by Mr. Yadav, her learned counsel. The respondent no.2 is present in Court. She has submitted her appearance and signed it, which is taken on record.

2. The present Writ Petition is filed under Article 226 of the

Constitution of India and section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing, by consent, of the C.R. No.623 of 2025 registered on 27th April 2025 with the Bandra Police Station under sections 85, 316(2), 115, 352, 351(2) of the Bhartiya Nyay Sanhita, 2023.

3. The present dispute is of a matrimonial nature and arises out of the disputes within the marriage of the petitioner no.1 and the respondent no.2. These disputes have now been resolved and the respondent no.2 no longer wishes to pursue criminal proceedings against the petitioners. Mr. Yadav, the learned counsel for the respondent no.2 reiterates his clients' no objection to the quashing of FIR and all proceedings arising therefrom. The respondent no.2 has also filed an affidavit of consent dated 15th September, 2025 recording her settlement and consent with regards to the present proceedings. The said affidavit at paragraph nos.3, 4 and 5 reiterates that the differences between the petitioners and the respondent no.2 have been resolved amicably and they have decided to bury the past and live peacefully in the society. The affidavit further reiterates that the incident in question was of a private nature between the petitioner no.1 and the respondent no.2 and does not affect the society at large and that there is no coercion or any pressure from any person on the respondent no.2 to give her consent for quashing of the present proceedings. The said affidavit is part of the present petition at page 57.

4. The law as laid down in "*Jitendra Raghuwanshi v. Babita Raghuwanshi*" (2013) 4 SCC 58 reiterates that it is the duty of the Courts to encourage settlement in matrimonial matters and 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.3834 of 2025 is allowed in terms of prayer clause (b) which reads as under :-

“b. This Hon’ble Court by invoking writ jurisdiction under Article 226 of the Constitution of India, issue appropriate writ, order or direction and the impugned FIR dated 27/04/2025 lodged vide C.R. No.623 of 2025 registered with Bandra Police Station, Mumbai for the offence punishable u/s. 85, 316(2), 115, 352, 351(2) of the Bhartiya Nyay Sanhita, 2023, be quashed and set aside.”

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]