

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

WRIT PETITION NO.4158 OF 2025

Abdul Sadam Abdul Rashid Shaikh
@ Abdul Samad Abdul Rashid Shaikh & Anr. Petitioners
V/s
The State of Maharashtra & Ors. Respondents

Adv. Gaus Mohd. Shaikh for the Petitioners.
Mrs. G. P. Mulekar, APP for the State - respondent no.1
Adv. Abdul Wahib Shaikh a/w Adv. Aditya Parmar, Adv. Mustaq
Shaikh, Adv. Abdullah Siddiqui and Adv. Zeel R. Quereshi for the
respondent nos. 2 and 3.

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

DATE : 24TH SEPTEMBER 2025.

Per, Gautam A. Ankhad, J.

The present Writ Petition is filed under Article 226 and Article 227 of the Constitution of India and section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing, by consent, of the FIR No. 573 of 2025 registered with the Mumbra Police Station under sections 308, 118(1), 115(2), 351(2), 352, 356(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 and the criminal proceeding being Regular Criminal Case No. 2781/2025 pending before the 3rd Joint Civil Judge Junior Division Judicial Magistrate First Class, Thane.

2. The FIR was registered at the instance of the respondent no. 2 (the original complainant) against the petitioners. The FIR pertained to certain misunderstandings between the petitioners and the respondent nos.2 and 3. Subsequently, the differences and misunderstanding between the applicants and the respondent nos.2 and 3 has been amicably resolved.

3. Mr. Abdul Wahib Shaikh, the learned advocate for respondent nos. 2 and 3 has tendered an affidavit dated 17th September 2025 across the bar recording their no objection to the quashing of the FIR and any proceedings arising therefrom. The same is taken on record and marked "X" for identification.

4. It is settled law that the Court is empowered to quash the criminal proceedings to prevent the abuse of process of law, particularly, when the complainant no longer supports the complaint. Therefore, continuation of the criminal proceedings would serve no fruitful purpose. In view of the above, Writ Petition No.4158 OF 2025 is allowed in terms of prayer clause (a), which reads as under:-

" a) that, this Hon'ble Court be pleased to pass an appropriate writ, order and direction directing the quashing of the entire proceeding of the Criminal Case being proceeding R.C.C.No.2781/2025, pending before the 3rd Joint Civil Judge J.D. J.M.F.C. Thane, arisen out of the FIR.No.573/2025 lodged with Mumbra Police Station U/s. 308, 118(1), 115(2), 351(2),352,356(2),3(5) of B.N.S. Act 2023 lodged by the Respondent No.2 on such terms & conditions as this Hon'ble Court may deem fit and proper."

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]