

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

CRIMINAL WRIT PETITION NO.5378 OF 2025

MD Shoaib Ali Khan

] .. Petitioner

Vs.

1. The State of Maharashtra,
Through Kurar Village Police Station
2. XYZ

]

]

] .. Respondents

Mr. Hrishikesh Mundargi with Mr. Affan Azan Ali Khan, Advocates for the Petitioner.

Mr. S.V. Gavand, Additional Public Prosecutor for Respondent No.1.

Ms. Kajal Sarvaiya, Advocate for Respondent No.2.

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

DATE : 2ND 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 Bharatiya Nagarik Suraksha Sanhita, 2023 seeking the following reliefs: -

- "A. That this Hon'ble Court be pleased to quash the FIR bearing C.R. No.497/2025 registered with Police Station : Kurar Village dated 21.06.2025 for offences under sections 69, 77, 351(3) of Bhartiya Nyaya Sanhita, 2023 and section 66E of Information Technology Act, 2000 and any further proceedings thereof.
- B. Pending the hearing and final disposal of the matter, this Hon'ble Court may be pleased to direct the investigating authorities to not file the chargesheet against the applicant herein;
- C. This Hon'ble Court be pleased to quash, cancel and set aside the L.O.C issued as against the applicant in the F.I.R. bearing C.R. No. 497/2025 registered with Police Station : Kurar Village dated 21.06.2025 for the offences under Section 69, 77, 351(3) of the Bhartiya Nyaya Sanhita, 2023 and section 66E of the Information and Technology Act, 2000, and any further directions thereof."

2. Both the learned advocates have tendered a copy of their clients' Aadhar Card. The Affidavit of Consent of respondent no.2

dated 6th November, 2025 for quashing of the FIR is also tendered in Court. The same are taken on record and shall form part of the proceedings of this Court. A copy of the consent terms dated 2nd September 2025 and 8th October, 2025 are filed and annexed as Exhibits 'B' and 'C' of this writ petition.

3. The present dispute stems from the differences and disputes in the relationship between the petitioner and respondent no.2. The respondent no.2 no longer wants to take criminal action against the petitioner in view of the amicable resolution of differences between the parties. Additionally, the respondent no.2 has filed an affidavit of consent dated 6th November, 2025 documenting the settlement and agreement to quash the current proceedings. The said affidavit states that pursuant to the filing of the FIR, in view of the settlement reached between the parties, the petitioner and the respondent no.2 have entered into mutual consent terms dated 8th October, 2025 which records the consent of the respondent no.2 to quash the FIR. It is further stated that the disputes are of private nature and the parties have decided to mutually clarify and settle the same. The said affidavit at paragraph no.4 also reiterates that there is no coercion or compulsion imposed upon the respondent no.2 to give her consent and withdraw the present criminal proceedings.

4. The law as laid down in "*Madhukar v. State of Maharashtra*" 2025 SCC OnLine SC 1415 reiterates that the Court is empowered to quash the criminal proceedings to meet the ends of justice, especially in cases wherein the complainant no longer wishes proceed with prosecution. In view of the above, **Writ Petition No.5378 of 2025 is allowed** in terms of the prayer clause (a) only.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

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