

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

CRIMINAL WRIT PETITION NO.5384 OF 2025

1. Intekhab Abbas Shaikh	]	
2. Abbas Ismail Shaikh	]	
3. Nilam Mohammad Abbas Shaikh	] ..	Petitioners

Versus

1. The State of Maharashtra,	]	
Through Kashimira Police Station	]	
2. Simran Intekhab Shaikh	] ..	Respondents

Mr. Shivam S. Dube with Ms. Disha Sharma, Advocates for the Petitioners.

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

Mr. Md. Parwez Alam, Advocate for Respondent No.2.

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

DATE : 8TH DECEMBER 2025.

PER, GAUTAM A. ANKHAD, J.

The present Criminal Petition is filed under Article 226 and 227 of the Constitution of India and Section 528 of the Bharatiya Nyaya Suraksha Sanhita, 2023 seeking the following relief:

“(a). Issue a writ, order or direction in the nature of certiorari or any other appropriate writ, order or direction calling for the records of the impugned FIR No.259 of 2023 registered at Kashimira Police Station, Thane District under sections 498A, 376, 354, 323, 504 and 506 read with section 34 of the IPC together with the charge-sheet dated 13th October 2023 and after perusing the same, quash and set aside the said FIR, charge-sheet and all consequential proceedings arising therefrom in their entirety.”

2. The present dispute arises from marital discord between the petitioner no.1 and the respondent no.2. Due to the differences

between the parties, an FIR was lodged at the instance of the respondent no.2 at Kashimira police station on 8th April 2023 alleging that she was subjected to harassment and cruelty. A charge-sheet dated 13th October 2023 is filed in the criminal proceedings bearing R.C.C. Case No.4536 of 2024 before the competent Magistrate. The respondent no.2 has initiated proceedings under the provisions of the Protection of Women from Domestic Violence Act, 2005 bearing PWDVA No.70 of 2025 before the Court of First Class Judicial Magistrate, Junior Division, Mira-Bhayandar ("DV Proceedings").

3. The parties have now amicably settled their disputes. The petitioner no.1 and the respondent no.2 have executed consent terms in PWDVA No.70 of 2025 before the Court of First Class Judicial Magistrate, Junior Division, Mira-Bhayandar. Mr. Alam, the learned counsel for the respondent no.2 submits that the consent terms record that the parties seek to dissolve their marriage by mutual consent and that they have no further grievance towards each other. The Consent Terms also record the full and final settlement towards permanent alimony/maintenance.

4. The respondent no.2 has filed an affidavit dated 4th October 2025 which records that the respondent no.2 has no objection to quashing of the criminal proceedings in view of the settlement reached between the parties. The parties are present in the Court and identified by their respective counsel. The parties have affixed their signatures and recorded their appearance in their own handwriting which shall form part of the proceedings. The parties have also tendered a copy of a demand draft of Rs.3,00,000/- drawn in favour of the respondent no.2 and the same is taken on record. The present petition for quashing of the FIR and the

subsequent proceedings thereto is allowed only due to the undertaking of the petitioner no.1 that entire settlement amount shall be paid to the respondent no.2.

5. The Hon'ble Supreme Court in "*B.S. Joshi v. State of Haryana*" (2003) 4 SCC 675 held that the High Court can invoke its inherent power to quash criminal cases stemming from marital disputes, provided the court is satisfied that an amicable settlement has been reached, which serves the interests of justice. The parties have settled their dispute. In light of the same, the continuance of proceedings would not be a fruitful exercise. In light of the same, **Criminal Writ Petition No.5384 of 2025 is allowed** in terms of prayer clause (a) quoted above.

6. There shall be no order as to costs.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]