

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

CRIMINAL WRIT PETITION NO.5791 OF 2025

1. Ashish Mulchand Vishwakarma	]	
2. Babita Nilesh Vishwakarma	]	
3. Nilesh Mulchand Vishwakarma	]	
4. Madhuri Sanjay Vishwakarma	]	.. Petitioners

Versus

1. State of Maharashtra,	]	
Through Agripada Police Station	]	
2. Deepti Ashish Vishwakarma @	]	
Deepti Dilip Chavan	]	.. Respondents

Mr. Siddharth Singh, i/by Mr. Anil Chauhan, Advocates for the Petitioners.

Mrs. M.M. Deshmukh, I/c. Public Prosecutor for Respondent No.1.

Ms. Sheetal A. Agarwal, Advocate for Respondent No.2.

Ms. Deepti Ashish Vishwakarma @ Ms. Deepti Dilip Chavan, the Respondent No.2, is present in the Court.

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

DATE : 13TH NOVEMBER 2025.

PER, GAUTAM A. ANKHAD, J.

The present petition is filed under Article 226 of the Constitution of India and section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 with following prayer:

“a. That this Hon’ble Court be pleased to issue an appropriate writ, order and directions directing quashing of the case bearing Case No.822/PW/2021 pending before J.M.F.C., 46th Court at Mazgaon, Mumbai arising out of the FIR No.346/2020 registered by the respondent no.1 at the instance of respondent no.2 hereinabove registered under the provisions of 498(A) and 34 of IPC on such terms as this Hon’ble Court may deem fit and proper in the matter.”

2. The marriage between the petitioner no.1 and the respondent no.2 was solemnised on 21st May 2007. On 5th October 2020, an FIR came to be registered at the instance of the respondent no.2 against the petitioners at the Agripada Police Station, Mumbai under sections 498-A and 34 of the Indian Penal Code, 1860 based on allegations of physical and mental cruelty meted out to the respondent no.2. Subsequently, charge-sheet was filed against the petitioners having case no.822/PW/2021. The respondent no.2 also initiated proceedings under section 12 of the Protection of Women from Domestic Violence Act 2005, being DV case no.32 of 2020 before the learned Additional Chief Judicial Magistrate, Mazgaon Court, Mumbai. Meanwhile, the petitioner no.1 instituted a petition for divorce under section 13(1)(a) of the Hindu Marriage Act 1955 bearing Hindu Marriage Act Petition No.113 of 2021 before the learned Family Court at Bandra. It is on record that the criminal proceedings have been abated against the mother of the petitioner no.1 as she passed away during the pendency of the proceedings.

3. During the subsistence of these proceedings, the parties, with intervention of family members and well wishers, have now amicably settled the matter. The understanding arrived at between the parties has been stated in the consent terms dated 3rd October 2025. It is recorded that the parties have agreed to mutually dissolve the marriage and the petitioner no.1 has agreed to pay Rs.5,00,000/- (Rupees Five Lakhs only) as the full and final settlement to the respondent no.1. It is also recorded that the settlement has been arrived at considering the fact that the respondent no.2 already has the custody of streedhan, jewellery, articles, valuables and personal belongings and nothing remains with the petitioner no.1. The respondent no.2 has acknowledged

the same and undertaken not to raise any further claim in this regard.

4. The respondent no.2 is present in the court and identified by her learned counsel Ms. Agarwal. The appearance of the respondent no.2 in her handwriting and signed by her, is taken on plain paper which now forms part of the record. Ms. Agarwal has also tendered an affidavit dated 12th November 2025 which records that the respondent no.2 has received the final settlement amount and she has no objection to the quashing of pending criminal proceedings. The contents of the affidavit are confirmed by Ms. Agarwal.

5. The Hon'ble Supreme Court in "*Madduri Gangaraju v. Madduri Sunanda*", 2025 SCC OnLine SC 1746 while dealing with quashing of criminal proceedings under section 498A of the Indian Penal Code, 1860 has held that once the parties have settled all their differences amicably, the continuation of criminal proceedings between the parties serves no legitimate purpose as it only prolongs bitterness and burdens the criminal justice system with disputes that are no longer alive. Considering the settlement arrived at between the parties, the pending proceedings between parties ought to be quashed. Therefore, **Criminal Writ Petition No.5791 of 2025 is allowed** in terms of prayer clause (a).

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]