

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

CRIMINAL WRIT PETITION NO.5834 OF 2025

1. Janish Kamlesh Suratwala	]	
2. Kamlesh Ramanlal Suratwala	]	.. Petitioners
<i>Versus</i>		
1. State of Maharashtra,	]	
2. The Inspector of Police, Juhu Police Station	]	
3. Upasana Janish Suratwala @	]	
Upasana Rajesh Trivedi	]	.. Respondents

Ms. Ridhi Thakkar, Advocate for the Petitioners.

Mrs. M.M. Deshmukh, I/c. Public Prosecutor with Mr. J.P. Yagnik,
Additional Public Prosecutor for Respondent Nos.1 and 2.

Mr. Sagar Shahani with Mr. Ashok Shahani and Mr. Ravikant
Purohit, Advocates for Respondent No.3.

Mr. Janish Kamlesh Suratwala, Petitioner No.1 is present in
Court.

Mr. Kamlesh Ramanlal Suratwala, Petitioner No.2 is present in
Court.

Ms. Upasana Janish Suratwala @ Ms. Upasana Rajesh Trivedi,
Respondent No.3 is present in Court.

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

DATE : 14TH NOVEMBER 2025.

PER, GAUTAM A. ANKHAD, J.

The present Writ Petition is filed under Article 226 and 227 of the Constitution of India and section 482 of the Code of Criminal Procedure, 1973/ section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing, by consent, of the C.R. No. 0531 of 2024 with the Juhu Police Station filed under sections 34, 323, 498(A) and 504 of the Indian Penal Code, 1860 and proceeding bearing PW/3231/2024 pending before the Ld. 10th Judicial Magistrate Court of First Class, Andheri, Mumbai.

2. The petitioner no.1 is the husband of the respondent no.3. The present dispute is marital in nature. The respondent no. 3 no longer wants to take criminal action against the petitioners in view of the amicable resolution of differences between the parties. The parties are present in Court. The petitioners are identified by Ms. Thakkar, the learned counsel and the respondent no.3 is identified by Mr. Shahani, the learned counsel. The parties have put their signatures and filed their appearances on plain paper which is taken on record and shall form part of the record.

3. Mr. Shahani, the learned counsel for the respondent no.3 tenders the consent affidavit dated 12th November 2025 of the respondent no.3 and reiterates the settlement and that his client has no objections to the quashing of the FIR and all related proceedings. The said affidavit states that pursuant to the filing of the FIR, by intervention of family and friends, the differences between the petitioners and the respondent no.3 have been resolved amicably and they have decided to part ways and live peacefully in the society. The affidavit further reiterates that the said consent terms are also filed in Petition No. A-1232/2024 u/s 13(1) (ia) and (ib) r/w section 10 of the Hindu Marriage Act, 1955 before the Family Court at Bandra, Mumbai. The aforesaid petition before the Family Court has been converted into a mutual consent petition in view of the settlement terms dated 7th May, 2025 filed in the said Court. A copy of the said consent terms is also annexed to the consent affidavit dated 12th November 2025.

4. In "*B.S. Joshi v. State of Haryana*" (2003) 4 SCC 675, the Hon'ble Supreme Court has held that 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.5834 of 2025 is allowed in terms of prayer
clause (d), which reads as under:

“(d) After going through the records of C.R. No.0531 of 2024 of Juhu Police Station and PW/3231/2024 of the Ld. 10th Judicial Magistrate Court of 1st Class, Andheri, Mumbai and the annexures annexed herewith, this Hon’ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction quashing the said FIR C.R. No.0531 of 2024 and charge-sheet in PW/3231/2024 for alleged offences punishable under sections 498(A), 323, 504, 34 of Indian Penal Code (Bharatiya Nyaya Sanhita) as regards the petitioners in view of the compromise (consent terms for Divorce) entered between the parties.”

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]