

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.6310 OF 2025**

1. Nadir Salim Sayed	]	
Adult, Indian Inhabitant, Age:43 years,	]	
Occ- Business, Residing at A-1806,	]	
18 th Floor, K.G.N. CHS, Imamwada	]	
Road, Mumbai – 400 009.	]	
	]	
2. Noorjahan Salim Sayed	]	
Adult, Indian Inhabitant, Age:67 years,	]	
Occ: Retired, presently residing at	]	
Flat No.803, Anjani Regency,	]	
Kanungo Estate, Geeta Nagar,	]	
Mira Road (E), Thane – 401107	]	
Having address at A-1806, 18 th	]	
Floor, K.G.N. CHS Imamwada Road,	]	
Mumbai – 400 009.	]	 Petitioners.

V/s

1. The State of Maharashtra	]	
(Through Naya Nagar Police Station,	]	
Thane vide C.R. No.175 of 2023	]	
to be served through Public Prosecutor]	]	
High Court, Mumbai.	]	
	]	
2. XYZ (Alleged Victim/First Informant]	]	
served through Senior Inspector	]	
of Naya Nagar Police Station,	]	
Mira Road, Thane – 401107	]	Respondents.

Mr. Hasan Sayed a/w R.A. Shaikh, Mariyah Khatkhatry, A.R. Khan, advocate for the petitioner.

Mr. Sahil Akbar Shaikh, advocate for the respondent no.2.

Mrs. Mahalaxmi Ganapathy, APP for the respondent no.1-State.

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

DATE : 19th DECEMBER 2025.

PER GAUTAM A. ANKHAD, J.

The present Criminal Writ Petition is filed under Article 226 of the Constitution of India and section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 seeking quashing of the C.R. No.175 of 2023 dated 25th March 2023 registered with Naya Nagar Police Station, Thane.

2. The marriage between the petitioner no.1 and the respondent no.2 was solemnised on 28th December 2003. Petitioner no.2 is the mother-in-law of the respondent no.2. Due to marital discord, differences arose between the parties and the said FIR was lodged at the instance of respondent no.2. A charge-sheet was filed bearing R.C.C. No. 9442 of 2025 with the 1st Court of Civil Judge Junior Division, Mira-Bhayandar Court at Thane. There are several other proceedings pending between the parties. The respondent no.2 filed an Application under the provisions of Domestic Violence, Act, 2005 against the petitioners bearing C.C. No. 94/DV/2023 before the learned 51st Judicial Magistrate First Class Court at Kurla, Mumbai. Appeal and Criminal Miscellaneous Applications bearing Cri.M.A. 2036 of 2024, Cri. M.A. 832 of 2024 and Cri. M.A. 833 of 2024 before the Sessions Court at Mazgaon, Mumbai is pending. A criminal complaint bearing Miscellaneous Case No. 1922 of 2024 before the 69th Judicial Magistrate First Class at Mazgaon, Mumbai is also filed.

3. The parties have amicably settled their disputes and differences by executing a Memorandum of Understanding dated 22nd July 2025 ("MOU"). Under the MOU, the respondent

no.2 agreed to withdraw the aforestated proceedings. On the same date, a Mubara'atnama was executed between the petitioner no.1 and the respondent no.2 which records their divorce as per the Muslim personal law. The parties have also filed a petition bearing No. B-159 of 2025 before the Family Court at Bandra, Mumbai wherein the petitioner no.1 and the respondent no.2 have entered into the consent terms dated 31st October 2025.

4. At this juncture, we may note that when the matter was listed on 3rd December 2025, this Court had examined the Consent Terms dated 31st October 2025 and had orally observed that the rights of respondent No. 2 towards maintenance and alimony were not adequately protected. After re-considering the same, parties have now tendered revised Consent Terms dated 19th December 2025 in which one-time settlement amount of Rs. 10,00,000/- (Rupees Ten Lakhs Only) is paid to the respondent no. 2. We have once again inquired with the respondent no.2, who has confirmed that she is satisfied with the settlement amount of Rs 10 lakhs and the immovable properties transferred in the name of her children. The petitioner no.1 and the respondent no.2 are present in the Court. They have tendered their handwritten appearances along with copies of their Aadhaar Cards. The consent terms dated 19th December 2025, the hand written appearances, copies of the Aadhar Cards and a copy of the demand draft of Rs. 10 lakhs shall form part of the records.

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 arising from marital disputes, provided the court is satisfied that an amicable settlement has been reached. The respondent no.2 has confirmed that she is satisfied with the consent terms dated 19th December 2025. Hence, **Criminal Writ Petition No.6310 of 2025 is allowed** in terms of prayer clause (a) which reads as under:-

“(a) This Hon’ble Court be pleased to pass appropriate writ, order and directions directing quashing of the C.R. No.175 of 2023 dated 25.03.2023 registered with Naya Nagar Police Station, Thane for the offences punishable under Sections 498(A), 406, 377, 323 504, and 34 of IPC, 1860 registered by the Respondent No.1 at the instance of Respondent No.2 on such terms as this Hon’ble Court may deem fit and proper in the matter.”

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

BHARAT
DASHARATH
PANDIT

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Date: 2025.12.25
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