

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

CRIMINAL APPLICATION [APL] NO.133 OF 2025

Shahid Akbar Saheblal Patel
and another

.....Applicants

Versus

The State of Maharashtra
and another

.....Respondents

Mr. Vahid Shaikh, Advocate a/w. S.M.M. Owais T. Jahangirdar
and Ibrahim Sayyed for the Applicants.

Ms. Sangita G. Phad, APP for the Respondent No.1-State.

Ms. Ayesha I. Shaikh, Advocate a/w. Sharik I. Shaikh for the
Respondent No.2.

**CORAM : SARANG V. KOTWAL &
SHYAM C. CHANDAK, JJ.**

DATE : 16th SEPTEMBER, 2025

P.C. :

1. This is an Application for quashing of the proceedings in Sessions Case No.178/2022 pending before the Court of Session at Thane arising out of C.R. No.24/2022 registered at Mumbra police station under Sections 376, 494, 420 read with 34 of IPC.

2. Heard Mr. Vahid Shaikh, learned counsel for the Applicants, Ms. Sangita Phad, learned APP for the Respondent No.1-State and Ms. Ayesha Shaikh, learned counsel for the Respondent No.2.

3. The FIR is lodged by the Respondent No.2 on the allegations that when she was considering the proposals for marriage, one common acquaintance suggested the name of the present Applicant No.1. The Applicant No.2 is his close relative. On 3.6.2021, the Applicant No.1 went to the house of the first informant-the Respondent No.2. They had initial talks. On 5.6.2021 they got engaged; and on 23.12.2021 they got married. After that, both of them started residing at Thakurpada, Mumbra. She stayed with the Applicant No.1 for a couple of days. They had their physical relations. In January, 2022 she came to know that the Applicant No.1 was already married and his wife was pregnant. The Respondent No.2 then lodged her FIR on 10.1.2022. The investigation was carried out and the charge-sheet was filed. The charge-sheet contains the statements of her mother, her brother and a friend. Those

witnesses have supported her allegations. However, the Respondent No.2 does not wish to proceed further. The learned counsel for the Respondent No.2 has tendered an affidavit of the Respondent No.2, which is taken on record.

4. The Respondent No.2 is present in the Court. She is identified by her learned counsel. She reiterated the statements made in the affidavit. She stated before the Court that both of them are staying together as husband and wife. She stated that she lodged the FIR in a state of anger. She was unable to understand the contents of the FIR as she did not know the Marathi language. However, now the quarrel is over. She has specifically stated that she was in love with the Applicant No.1 and that she does not wish to proceed against the Applicants. She has stated that the FIR was lodged as a dispute between the husband and the wife and since it is amicably resolved, no purpose would be served in proceeding with the prosecution.

5. Considering the stand taken by the Respondent No.2, no purpose will be served in continuing with the

prosecution. Both the parties i.e. the Applicant No.1 and the Respondent No.2 are staying together as husband and wife. Therefore, in the interest of justice and in the interest of both the parties, we are inclined to allow this Application.

6. Hence, the following order:

:: O R D E R ::

- i. The Criminal Application is allowed.
- ii. The FIR being C.R. No.24/2022 registered at Mumbra police station, District-Thane as well as the consequent proceedings being Sessions Case No.178/2022 pending before the Sessions Court at Thane, are quashed and set aside.
- iii. Criminal Application is disposed of accordingly.

(SHYAM C. CHANDAK, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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DESHMANE

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