

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

CRIMINAL APPLICATION NO.339 OF 2025

1. Abhay Dattatraya Joshi	]
2. Shalini Dattatraya Joshi	]
3. Sanjay Dattatraya Joshi	]
4. Vaibhavi Sanjay Joshi	] .. Applicants

Versus

1. The State of Maharashtra,	]
Through Sahakar Nagar Police Station	]
2. Mayuri Abhay Joshi	] .. Respondents

Mr. Amit R. Prasad, Advocate for the Applicants.

Mr. S.V. Gavand, Additional Public Prosecutor for Respondent No.1-State of Maharashtra.

Smt. Shubhangi Bahirat, Advocate for Respondent No.2.

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

DATE : 24TH DECEMBER 2025.

PER, GAUTAM A. ANKHAD, J.

The present Criminal Application is filed under section 528 of the Bhartiya Nagarik Suraksha Sanhita 2023 seeking the following relief:

“(a) That this Hon’ble Court in exercise of its jurisdiction under section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and call for the investigation report and police diary in First Information Report (FIR) No.25 of 2025 dated 22/01/2025 for the offence punishable under sections 85, 115(2), 352 of the Bharatiya Nyaya Sanhita registered at Police Station-Sahakar Nagar, Pune City, District-Pune, Exhibit ‘A’ to the Application, and be pleased to quash the same in the interest of justice.”

2. The marriage between the applicant no.1 and the respondent no.2 was solemnised on 16th January 2008. The couple has two daughters born out of the wedlock. On 9th January 2025, the applicant no.1 filed a divorce petition (A-52/2025) before the

learned Principal Judge, Family Court, Nagpur under section 13 of the Hindu Marriage Act, 1955. On 22nd January 2025, the FIR was lodged by the respondent no.2 with the Sahakar Nagar Police Station, Pune.

3. The parties have now settled their disputes amicably. The settlement is recorded in the Consent Terms dated 12th September 2025 filed in the divorce petition. An affidavit dated 4th October 2025 on behalf of the respondent no.2 is tendered across the Bar which records that the respondent no.2 has no objection to quashing of the FIR. The applicant no.1 has filed an affidavit dated 19th December 2025 *inter alia* stating that the applicant no.1 has gifted the flat to the respondent no.2. The parties are present in the Court and identified by their respective counsel. The parties have affixed their signature and recorded their appearance. The said appearance and the copies of their Aadhaar Cards are taken on record.

4. 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 taken a divorce by mutual consent. In light of the same, the continuance of proceedings would not be a fruitful exercise. **Criminal Application No.339 of 2025 is allowed** in terms of prayer clause (a). The FIR bearing C.R. No.25 of 2025 and all the consequential proceedings arising therefrom are quashed and set aside.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]