

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1120 OF 2025

Pratik Harshad Parekh ... Applicant

V/s.

The State of Maharashtra and Anr. ... Respondent

Mr. Prashant Badole, Advocate for the Applicant

Mr.V.B. Konde Deshmukh, Addl.PP for the Respondent
No.1 - State

Mr. Omkar Nagwekar, Advocate for the Respondent No.2

Mr. Vishal Zagde, PSI, Borivali Police Station, Mumbai

CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.

DATE : 13TH NOVEMBER, 2025.

Oral Judgment (Per Revati Mohite Dere, J.) :-

1. Heard learned counsel for the parties.

2. Rule. Rule is made returnable forthwith with the consent of the parties and the petition is taking up for final disposal. Learned Addl.PP waives notice on behalf of the respondent No.1 – State and learned counsel, Mr. Omkar Nagwekar waives notice on behalf of the respondent No.2.

3. By this application, the applicant seeks quashing of the FIR, registered vide CR No.73 of 2023 with the Borivali Police Station, Mumbai as against the applicant, for the alleged offence punishable under Section 325 of IPC. Quashing is sought by consent of the parties i.e. the consent of the respondent No.2.

4. Perused the papers. The applicant and the respondent No.2 are husband and wife. The couple have two children aged 14 and 7, respectively. According to the respondent No.2, incident took place on 23rd January 2023 when the applicant slapped the respondent No.2 on the left side of the Respondent No.2's ear resulting in pain in the left ear.

5. Pursuant to the said incident, the respondent No.2 lodged an FIR, which was registered vide CR No.73 of 2023 with the Borivali Police Station, Mumbai.

6. During pendency of the aforesaid CR, the parties i.e. applicant and respondent No.2, who are husband and wife amicably settled the dispute and filed consent terms in the 6th Court, Family Court at Bandra, Mumbai in Petition No.A-2921 of 2022. The said consent terms are at Exhibit 'B' at Page 24 of the application. In the said consent terms, it is stated in Para 2 that the parties have amicably settled their dispute and have decided to withdraw all allegations made against each other in all proceedings filed by either of them. Amongst other terms and conditions, the respondent No.2 has undertaken to give her consent to the quashing of the FIR registered at her behest against the applicant. She has also undertaken in the said consent terms to give her no objection for quashing of the said FIR.

7. Today learned counsel for the respondent No.2 has tendered an affidavit of the respondent No.2 dated 13th October 2025. The said affidavit is taken on record. In Para – 4 of the said affidavit, the respondent No.2 has given her no objection to the quashing of aforesaid CR registered at her behest. She has also not disputed filing of consent terms before the Family Court, Bombay. The respondent No.2 is present in person. When questioned, she reiterates whatever is stated in the affidavit and states that she has no objection to the quashing of the aforesaid CR. Learned counsel for the respondent No.2 has identified the respondent No.2 and the respondent No.2 has tendered a photocopy of her pancard, duly attested by her. The same is taken on record.

8. Considering the nature of dispute, the fact, that the parties are interse related i.e. they are husband and wife, and the judgments of the Apex Court in this regard, there is no impediment in allowing the petition. The petition is accordingly allowed and CR No. 73 of 2023 registered with the Borivali

Police Station, Mumbai is quashed and set aside. We are informed that the chargesheet has not been filed in the said CR till date.

9. Rule is made absolute on the aforesaid terms and Petition is disposed of accordingly.

All the concerned parties to act on the authenticated copy of this order.

(SANDESH D. PATIL, J.) (REVATI MOHITE DERE, J.)

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