

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

CRIMINAL APPLICATION NO.1246 OF 2025

Rajiv Vilas Adhikari,	]	
R/o. Oshiwara, Andheri, Mumbai	]	.. Applicant-Org. Accused
Versus		
1. The State of Maharashtra,	]	
Through Oshiwara Police Station	]	
2. Mahua Datta,	]	
R/o. Oshiwara, Andheri, Mumbai	]	.. Respondents

Mr. Vikram Sutaria, Advocate for the Applicant-Original Accused.
Mr. S.V. Gavand, Additional Public Prosecutor for Respondent No.1.
Ms. Hitisha Poddar with Ms. Samreen Allana, Advocates for Respondent No.2.

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

DATE : 21ST NOVEMBER 2025.

PER, GAUTAM A. ANKHAD, J. :

The present Criminal Application is filed under section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for quashing proceedings and seeks the following reliefs:

- “(a) This Hon’ble Court be pleased to quash and set aside criminal proceedings in connection with CC No.2088/PW/2025 pending on the file of the Ld. Judicial Magistrate (First Class) Railway Court, Andheri arising out of F.I.R. bearing C.R. No.280/2025 came to be registered against the applicant herein with Oshiwara Police Station for offence punishable under section 85 of the Bharatiya Nyaya Sanhita, 2023 lodging at the instance of respondent no.2 against the applicant in the interest of justice.*
- (b) Pending the hearing and final disposal of the present application, proceedings in connection with CC No.2088/PW/2025 pending on the file of the Ld. Judicial Magistrate (First Class) Railway Court, Andheri arising out of F.I.R. bearing C.R. No.280/2025 came to be registered against the applicants herein with Oshiwara Police Station under section 85 of the Bharatiya Nyaya Sanhita, 2023 at*

the instance of respondent no.2 be stayed in the interest of justice.

(c) Ad-interim and/or interim relief in terms of prayer clause (b) above be granted.”

2. The marriage between the petitioner and the respondent no.1 was solemnised on 11th December 2021. Due to marital discord, several disputes arose between the parties. On 8th March 2025, an FIR was lodged at the instance of the respondent no.2 at Oshiwara Police Station for offences punishable under section 85 of the Bhartiya Nyaya Sanhita, 2023. Pursuant to the same, charge-sheet bearing CC No.2088/PW/2025 was filed before the learned Judicial Magistrate First Class, Railway Court, Andheri. Apart from the present criminal proceedings, respondent no.2 has also instituted other matrimonial proceedings, including a petition under the Protection of Women from Domestic Violence Act, 2005, before the learned Metropolitan Magistrate Court, Andheri, and a divorce petition before the learned Family Court at Bandra, Mumbai.

3. After undergoing mediation, the parties have now settled the entire dispute between them amicably. Consequently, the parties have filed Consent Terms dated 18th October 2025, converting the divorce petition to petition to dissolve marriage by mutual consent before the learned Family Court. A payment schedule towards the payment of permanent settlement has also been agreed upon the parties which is reflected in separate consent terms executed on the same date.

4. Ms. Poddar, the learned counsel for the respondent no.2 has tendered an affidavit dated 15th November 2025 which records that the respondent no.2 has no objection to quashing of the criminal proceedings in view of the settlement reached between

the parties. The parties are present in the Court and identified by their respective counsel. The parties have affixed their signatures and recorded their appearance in their own handwriting which shall form part of the proceedings.

5. The law as laid down by the Hon'ble Supreme Court in "*Jitendra Raghuvanshi v. Babita Raghuvanshi*" (2013) 4 SCC 58 reiterates 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 light of the same, the continuance of criminal proceedings would serve no fruitful purpose and **Criminal Application No.1246 of 2025 is allowed** in terms of prayer clause (a).

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]