

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

CRIMINAL APPLICATION NO.1379 OF 2025

Shammy Joseph

.. Applicant

Versus

1. The State of Maharashtra,
Through Koregaon Park Police Station
2. Surbhi Deepesh Kaushik

.. Respondents

Mr. Trish Bose, Advocate for the Applicant.

Mr. J.P. Yagnik, Additional Public Prosecutor for Respondent No.1-State of Maharashtra.

Mr. Ashwin Hawelkar with Adv. Poyam Swarnkar, Advocates for Respondent No.2.

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

DATE : 3RD DECEMBER 2025.

PER, GAUTAM A. ANKHAD, J.

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

“(a). This Hon’ble Court be pleased to quash the FIR being 40 of 2025 was registered with the Koregaon Park Police Station for offences punishable u/s. 74, 79, 351(2), 352 of the BNS registered at the instance of respondent no.2 and the proceedings arising out of the said F.I.R. and charge-sheet dated 16/09/2025 in RCC No.5019 of 2025 before the JMFC Court No.2 at Pune in the interest of justice.”

2. Due to marital discord between the applicant no.1 and the respondent no.2, an FIR came to be registered at the instance of the respondent no.2 against the applicants on 12th April, 2025 with the Koregaon Park police station. Subsequently, a charge-sheet in R.C.C. No. 5019 of 2025 was filed on 16th September, 2025 before the 2nd J.M.F.C Court at Pune.

3. The parties have now amicably settled their dispute. The applicant no.1 and the respondent no.2 have filed consent terms dated 29th September 2025 in Marriage Petition No.499 of 2021 before the learned Civil Judge Senior Division, Panvel. The consent terms, annexed as Exhibit “B” at page 81 of the paper-book, record the settlement arrived at by the parties with regards to permanent alimony/maintenance. The parties have agreed to file the present proceedings to quash the FIR. The present petition for quashing of the FIR and the subsequent proceedings thereto is allowed only due to the undertakings of the applicants that entire settlement amount shall be paid to the respondent no.1.

4. Mr. Hawelikar, the learned counsel for the respondent no.2 has tendered an affidavit dated 03rd December, 2025 across the bar which records that the respondent no.2 has settled her differences with the applicants and has no objection to quashing of the said FIR. The affidavit is taken on record and attached at appropriate place. The parties are present in the Court and identified by their respective counsel. The applicant no.1 and the respondent no.2 have affixed their signatures and recorded their appearance in their own handwriting. The appearance of the parties and copies of their Aadhaar cards are taken on record. The present petition for quashing of the FIR and the subsequent proceedings thereto is allowed only due to the undertakings of the applicants that entire settlement amount shall be paid to the respondent no.2.

5. It is settled principle of law, as laid down by the Hon’ble Supreme Court in “Jitendra Raghuvanshi v. Babita Raghuvanshi (2013) 4 SCC 58 that 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. The Criminal Application No.1379 of 2025 is allowed in terms of prayer clause (a).

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]