IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 205 OF 2026

Abdul Zubair Khan And Ors. ...Petitioners

Versus

The State of Maharashtra And Anr. ...Respondents

Mr. Zoheb Merchant, learned Advocate for the Petitioners.
Petitioner Nos. 1 to 4 are present in the Court.

Mr. Tanveer G. Khan, learned A.P.P. for the State/Respondent.
Mr. Galib Shaikh, learned Advocate for Respondent No. 2.
Respondent No. 2 is present in the Court.
PSI Mr. M. T. Sable attached to Tulinj Police Station, District-Palghar is present in the Court.

CORAM : ASHWIN D. BHOBE, J.
DATE : 23rd JANUARY 2026.

P.C. :

1. Heard Mr. Zoheb Merchant, learned Advocate for the Petitioners, Mr. Tanveer Khan, learned A.P.P. for the State/Respondent and Mr. Galib Shaikh, learned Advocate for Respondent No. 2.

2. This Petition is preferred by the Petitioners under Article 226 of the Constitution of India and under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of the First Information Report bearing No. 169 of 2020 dated 13.02.2020 registered with Tulinj Police Station, District-Palghar for the offences punishable under Sections 498-A, 504 & 506 read with

Section 34 of the Indian Penal Code, 1860 and the criminal proceedings bearing R.C.C. No. 1097 of 2022 (Charge-sheet No. 580 of 2021), pending before the Judicial Magistrate First Class, Joint Civil Judge at Vasai, arising out of the said FIR.

3. Mr. Zoheb Merchant, learned Advocate for the Petitioners states that Petitioner Nos. 1 to 4 are present in the Court. Mr. Galib Shaikh, learned Advocate for Respondent No. 2 states that Respondent No. 2 is present in the Court. Photostat copies of Aadhar Cards of all the Petitioners and Respondent No. 2 as photo identity proof, duly certified by Mr. Zoheb Merchant and Mr. Galib Shaikh, are tendered by the respective Advocates. Same are taken on record and marked as "**X Colly.**" for identification.

4. Mr. Zoheb Merchant and Mr. Galib Shaikh jointly state that the matrimonial dispute between Petitioner No. 1 (Husband) and Respondent No. 2 (Wife) is amicably resolved, as such Respondent No. 2 has No Objection for quashing of the criminal proceedings. They therefore state that no purpose would be served in continuing the criminal proceedings and the same be quashed.

5. Mr. Galib Shaikh, learned Advocate for Respondent No. 2 tenders Affidavit dated 23.01.2026 affirmed by Respondent No. 2 before the Notary Advocate S. N. Dhange at Mumbai on 21.01.2026. Same is taken on record and marked as "**X-1**" for identification. Respondent No. 2, who is present in the Court states that the said Affidavit (X-1) has been filed by her out of her own free will and without any pressure, force or coercion from any person. She states that the contents of Affidavit (X-1) are as per

her say. She by relying on paragraph nos. 3 to 7 of the Affidavit (X-1) and submits that she has No Objection for quashing of the FIR and subsequent criminal proceedings.

6. Petitioner Nos. 1 to 4, who are present in the Court state that the matrimonial discord of Petitioner No. 1 and Respondent No. 2 is amicably resolved.

7. Mr. Tanveer G. Khan, learned A.P.P. for the State/Respondent states that no purpose would be served by continuing with the criminal proceedings in view of the statements made by Respondent No. 2 before this Court, as also her statements in the Affidavit (X-1). He therefore submits that the impugned FIR and the criminal proceedings can be quashed.

8. Having regards to the facts as placed before me, the nature of dispute, the amicable settlement arrived between the parties, the statements made on oath by Respondent No. 2 (Affidavit dated 23.01.2026 at X-1) and having regards to the judicial pronouncements by the Hon'ble Supreme Court in the cases of ***Gian Singh v/s. The State of Punjab and Another***[1], ***Narinder Singh and Others v/s. State of Punjab and Another***[2] and ***Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.***[3], to secure ends of justice I deem it fit and proper to exercise powers under Section 528 of the BNSS to quash the criminal proceedings.

1. (2012)10 Supreme Court Cases 303.
2. (2014)6 Supreme Court Cases 466.
3 (2017) 9 SCC 641.

9. In view of the above, Petition is allowed in terms of prayer clause (b). Consequently, the FIR bearing No. 169 of 2020 dated 13.02.2020 registered with Tulinj Police Station, District-Palghar for the offence punishable under Sections 498-A, 504 & 506 read with Section 34 of the Indian Penal Code, 1860 and the subsequent criminal proceedings bearing R.C.C. No. 1097 of 2022 (Charge-sheet No. 580 of 2021), pending before the Judicial Magistrate First Class, Joint Civil Judge at Vasai, arising out of the said FIR, are quashed. Criminal proceedings against the Petitioners arising out of the impugned FIR and the charge-sheet are closed.

10. Criminal Writ Petition No. 205 of 2026 is disposed of. No order as to costs.

[ASHWIN D. BHOBE, J.]

GITALAXMI KRISHNA KOTAWADEKAR
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Date: 2026.02.13 21:10:21 +0530