

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

CRIMINAL WRIT PETITION NO. 3819 OF 2023

Mr. Aaquib Najib Khan ... Petitioner

Vs.

The State of Maharashtra & Anr. ... Respondents

WITH

CRIMINAL WRIT PETITION NO. 43 OF 2024

Mr. Azhar Asadullah Punjabi ... Petitioner

Vs.

The State of Maharashtra & Anr. ... Respondents

Mr. Mohammed Zain Khan a/w Mr. Ashraf Kapoor for the Petitioners.
Mr. V. A. Kulkarni APP for the Respondent-State.
Ms. Shubhra Swami (through Legal Aid) for Respondent No.2.

CORAM : RANJITSINHA RAJA BHONSALE , J.
DATED : 20th FEBRUARY 2026.

P. C. :-

1) The Petitioners, in R.C.C. No. 392 of 2023 pending on the file of Judicial Magistrate First Class, Thane which has been transferred to Judicial Magistrate First Class, Mira Bhyandar and re-numbered as R.C.C. No. 11121 of 2025 arising out of C.R. No. 481 of 2022 dated 17th November 2022 registered with Mira Road Police Station, under Section

498(A), 406, 504, 506 and 34 of the Indian Penal Code, have invoked jurisdiction of this Court under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure seeking quashing of the said crime with the consent of Respondent No.2, the informant.

2) Mr. Khan, learned Advocate for the Petitioners submitted that, during the pendency of the said case, the Petitioners and Respondent No.2 have settled their disputes and differences and Respondent No.2 has now given her consent for quashing of the crime in question. He therefore prayed that, the said crime may be quashed with the consent of Respondent No.2. He submits that, the Petitioner No.1 and Respondent No.2 have agreed and confirmed to jointly apply for divorce by mutual consent and seek divorce. He further submits that, Respondent No.2 has agreed and undertaken to withdraw the Application for Domestic Violence in Case No. PWDVA Appln/0000727/2025, filed by Respondent No.2 before 1-Civil Judge Junior Division, Mira Bhyandar.

3) Ms. Shubhra Swami, learned Advocate for the Respondent No.2 tendered across the bar consent Affidavit of Respondent No.2 dated 20th February 2026 duly affirmed before a Notary Public. The fact of amicable settlement and restoration of peace between the parties is admitted therein. She further submits that, the Respondent No.2 confirms that the stridhan has been received.

4) Respondent No.2 is personally present in the Court and through her Advocate reiterates the contents of her Affidavit dated 20th February 2026 and her 'no objection' for quashing of the crime in question.

5) A perusal of the said consent Affidavit of Respondent No.2 would indicate that, in Criminal Writ Petition No. 3819 of 2023, respondent No.2 and Petitioner No.1 have amicably resolved and settled the disputes. The disputes are primarily matrimonial disputes and proceedings have emanated from the said matrimonial disputes. In para 3 of the Affidavit, the Respondent No.2 has given her 'no objection' for quashing of F.I.R. No. 0481 of 2022 registered with the Mira Road Police Station, Mumbai. In paragraph 4 of the affidavit, Respondent No.2 undertakes to withdraw the Application for Domestic Violence having Case No. PWDVA Appln/0000727/2025. In paragraph 5, the Respondent No.2 has specifically stated that she has given her consent for quashing without any force, coercion or any undue influence.

6) Taking an overall view of the matter and after considering the aforesaid facts more particularly that the proceedings arise out of matrimonial dispute I am inclined to quash the R.C.C. No. 392 of 2023 pending on the file of Judicial Magistrate First Class, Thane which has been transferred to Judicial Magistrate First Class, Mira Bhyandar and re-numbered as R.C.C. No. 11121 of 2025 arising out of C.R. No. 481 of 2022

dated 17th November 2022 registered with Mira Road Police Station, Mumbai.

7) In view of the above, Petitions are allowed in terms of prayer clause (b).

(RANJITSINHA RAJA BHONSALE, J.)