

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

WRIT PETITION NO. 99 OF 2025

Akshul Arvind Agarwal And Ors.

...Petitioners

Versus

The State of Maharashtra And Anr.

...Respondents

Mr. Bakul B. Bhosale a/w Mr. R. R. Choudhary, learned Advocates for the Petitioners.

Petitioner No. 1 is present in the Court and Petitioner Nos. 2 to 4 are appearing through VC.

Mr. Kiran C. Shinde, learned A.P.P. for the State/Respondent.

Ms. Peepli Datta, learned Advocate for Respondent No. 2.

Respondent No. 2 is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 23rd JANUARY 2026.

P.C. :

1. Heard Mr. Bakul Bhosale, learned Advocate for the Petitioners, Mr. Kiran Shinde, learned A.P.P. for the State/Respondent and Ms. Peepli Datta, learned Advocate for Respondent No. 2.

2. This Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 is preferred by the Petitioners for quashing of the First Information Report bearing No. 96 of 2024 dated 10.02.2024 registered with Samata Nagar Police Station, Mumbai for the offences punishable under Sections 498-A, 504, 506, 323, 406, 427 & 417 read with

Section 34 of the Indian Penal Code, 1860 and the charge-sheet bearing R.C.C. No. 2753/PW/2025 pending before the Judicial Magistrate First Class, 17th Court at Borivali, Mumbai, arising out of the said FIR.

3. Petitioner No. 1 is present in the Court with his Advocate Mr. Bakul Bhosale. Petitioner Nos. 2 to 4 are appearing through Video Conference. Mr. Bakul Bhosale identifies Petitioner Nos. 2 to 4, who are appearing through Video Conference and tenders photostat copies of Aadhar Cards (4 nos.) of all the Petitioners as identity proof, which are taken on record and marked as “**X Colly.**” for identification.

4. Ms. Peepli Datta, learned Advocate for Respondent No. 2 states that Respondent No. 2 is present in the Court and she tenders photostat copy of her Aadhar Card as identity proof, which is taken on record and marked as “**X-1**” for identification.

5. Mr. Bakul Bhosale and Ms. Peepli Datta submit that matrimonial dispute between Petitioner No. 1 and Respondent No. 2 is amicably resolved. They submit that the Petitioners having resolved their dispute with Respondent No. 2, they have filed consent terms before the Family Court to dissolve their marriage by mutual consent under Section 13-B of the Hindu Marriage Act, 1955, as such pray for quashing of the criminal proceedings.

6. Ms. Peepli Datta, learned Advocate tenders her Consent Affidavit dated 23.01.2026 affirmed by Respondent No. 2 before the Notary Advocate S. N. Dhange at Mumbai. Same is taken on record and marked as “**X-2**” for identification. Respondent No. 2

states that the Consent Affidavit (X-2) 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 Consent Affidavit dated 23.01.2026 are as per her say. She refers to paragraph nos. 4 to 8 of the Consent Affidavit dated 23.01.2026 and reiterates that she has No Objection for quashing of the FIR and subsequent criminal proceedings.

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

8. Mr. Kiran C. Shinde, 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, who is present in the Court and the statements in the Consent Affidavit dated 23.01.2026 (X-2). He therefore submits that the impugned FIR and the criminal proceedings can be quashed.

9. 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 (Consent 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*

1. (2012)10 Supreme Court Cases 303.

2. (2014)6 Supreme Court Cases 466.

Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.³, there is no impediment in allowing this Petition.

10. In view of the above, Petition is allowed in terms of prayer clause (a). Consequently, the FIR bearing No. 96 of 2024 dated 10.02.2024 registered with Samata Nagar Police Station, Mumbai for the offence punishable under Sections 498-A, 504, 506, 323, 406, 427 & 417 read with Section 34 of the Indian Penal Code, 1860 and the subsequent charge-sheet bearing R.C.C. No. 2753/PW/2025 pending before the Judicial Magistrate First Class, 17th Court at Borivali, Mumbai 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.

11. Criminal Writ Petition No. 99 of 2025 is disposed of. No order as to costs.

[ASHWIN D. BHOBE, J.]

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by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
2026.02.13
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³ (2017) 9 SCC 641.