

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

WRIT PETITION NO. 1057 OF 2024

1. **Mr. Siraj Salim Sayyed,**
Age-31 years, Occ.:Service.
2. **Mrs. Shamim Salim Sayyed,**
Age-60 years, Occ.:Housewife.

Both are residing at J.P. Road,
Western Railway Colony,
Building No. 196/04, Jawahar Nagar,
Khar East, Mumbai-400 051.

3. **Mrs. Zainab Yanus Shaikh,**
Age-35 years, Occ.:Housewife,
Residing at Room No. 01,
Ahmed Dawood Chawl,
Marol Church Road, Near Fish Market,
Marol Village, Mumbai-400 059.
4. **Mrs. Parveen Sarifuddin Shaikh**
D/o. Salim Sayyed,
Age-42 years, Occ.:Housewife.
5. **Mr. Sarifuddin Hakimuddin Shaikh,**
Age-41 years, Occ.:Service.

Both are residing at Room No. 09,
Nehru Nagar, Golibar Maidan,
Near Shivshakti Building, Santacruz (E),
Mumbai-400 055.

...Petitioners

Versus

1. The State of Maharashtra
(At the instance of Vakola Police Station).
2. **Mrs. Tuba Siraj Sayyed,**
Age-25 years, Occ.:Housewife,
Residing at Room No. 09, Bharat Nagar,
Vakola, Bandra (W), Mumbai
(as mentioned in the complaint).

...Respondents

Ms. Vaishali Sawant a/w Mr. Abdul Kalam Shaikh, learned Advocates for the Petitioners.

All the Petitioners are present in the Court.

Ms. Pallavi N. Dabholkar, learned A.P.P. for the State/Respondent.

Mr. Mohd. Idris Javed, learned Advocate for Respondent No. 2.

Respondent No. 2 is present in the Court.

PSI Ms. Dipali Dhalpe (Pairavi) attached to Vakola Police Station is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 4th MARCH 2026.

P.C. :

1. Heard Ms. Vaishali Sawant, learned Advocate for the Petitioners, Ms. Pallavi Dabholkar, learned A.P.P. for the State/Respondent and Mr. Mohd. Idris Javed, 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. 0943 of 2023 dated 28.10.2023 registered with Vakola Police Station, Mumbai for the offences punishable under Sections 323, 406, 498-A & 504 read with Section 34 of the Indian Penal Code, 1860 ("Impugned FIR").

3. All the Petitioners are present in the Court along with their Advocate Ms. Vaishali Sawant. Ms. Vaishali Sawant identifies the Petitioners and tenders photostat copies of their Aadhar Cards as photo identity proof, which are taken on record and marked as "X Colly." for identification.

4. Respondent No. 2 is present in the Court along with her Advocate Mr. Mohd. Idris Javed. Mr. Mohd. Idris Javed identifies Respondent No. 2 and tenders photostat copy of Aadhar Card of Respondent No. 2 as photo identity proof, which is taken on record and marked as “**X-1**” for identification.

5. Mr. Mohd. Idris Javed tenders Affidavit dated 27.02.2026 affirmed by Respondent No. 2 before the Assistant Registrar of this Court. Same is taken on record and marked as “**X-2**” for identification. Consent Terms dated 27.02.2026 signed by Petitioner No. 1 & Respondent No. 2 are taken on record and marked as “**X-3**” for identification. Respondent No. 2, who is present in the Court, states that she has filed the said Affidavit dated 27.02.2026 (X-2) out of her own free will and without any pressure, force or coercion from any person. She states that the contents of Affidavit (X-2) are as per her say. She states that she has signed the Consent Terms (X-3) with Petitioner No. 1. She reiterates that the dispute between her and the Petitioners is amicably resolved, as such she gives No Objection for quashing of the criminal proceedings initiated at her instance.

6. Ms. Vaishali Sawant and Mr. Mohd. Idris Javed submit that the dispute, which is a subject matter of the impugned FIR, was on account of the matrimonial dispute between Petitioner No. 1 (Husband) & Respondent No. 2 (Wife). They submit that it was on account of the said dispute that Petitioner No. 1 and all his family members were dragged into the said dispute. They by relying on the Affidavit (X-2) and Consent Terms (X-3) submit that Petitioner No. 1 and Respondent No. 2 have amicably resolved the

matrimonial dispute between them and have decided to separate from each other. They submit that Petitioner No. 1 and Respondent No. 2 are separated by way of a divorce in terms of their religious law. They submit that Respondent No. 2 has agreed to withdraw all criminal proceedings filed by her against the Petitioners. They therefore request that the criminal proceedings may not be continued and the same be quashed.

7. Ms. Pallavi Dabholkar, learned A.P.P. for the State/Respondent submits that the matrimonial dispute has given a cloak of criminal case. She however submits that the parties having now resolved their dispute as per the statements made by Respondent No. 2 in the Affidavit (X-2) in paragraph nos. 1 to 6 and the contents of paragraph nos. (a) to (k) in Consent Terms (X-3), no purpose would be served by continuing with the criminal proceedings. She therefore submits that the impugned FIR and the criminal proceedings arising out of the said FIR be quashed. She states that the Petitioners and Respondent No. 2 have used the police machinery to settle a private dispute as such, she insists for imposition of exemplary costs on the parties.

8. Ms. Vaishali Sawant, learned Advocate for the Petitioners and Mr. Mohd. Idris Javed, learned Advocate for Respondent No. 2, on instructions from the Petitioners and Respondent No. 2, who are present in the Court, state that appropriate cost would be paid.

9. Considering the facts placed before me, the nature of the dispute being a matrimonial dispute essentially between Petitioner No. 1 and Respondent No. 2, which now stands amicably resolved

amongst themselves, as stated by Ms. Vaishali Sawant and Mr. Mohd. Idris Javed and the statements made on oath by Respondent No. 2 in the Affidavit (X-2) & the Consent Terms (X-3), no useful purpose will be served by allowing the criminal prosecution to continue. Having regard to the pronouncements of 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, there is no impediment to allow this Criminal Writ Petition.

10. In view of the above, Criminal Writ Petition is allowed in terms of prayer clause (i) subject to payment of cost of Rs. 50,000/- by the parties as condition precedent. Consequently, the impugned FIR bearing No. 0943 of 2023 dated 28.10.2023 registered with Vakola Police Station, Mumbai, is quashed against the Petitioners. Criminal proceedings against the Petitioners arising out of the impugned FIR are closed.

11. Petitioners shall deposit cost of Rs. 25,000/- in the following account within a period of 2 weeks from today and furnish proof of deposit before the Registry of this Court by filing an Affidavit of compliance on or before 23.03.2026 :-

Bank Name	:	Axis Bank Limited
Branch Name	:	Worli, Mumbai (M.H.), Mumbai-400 025

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

Account Name : **Central Police Welfare Fund, Director
General MS, Mumbai**
Account Number : 914010029005759
IFSC Code : UTIB0000060

12. Respondent No. 2 shall deposit cost of Rs. 25,000/- in the following account within a period of 2 weeks from today and furnish proof of deposit before the Registry of this Court by filing an Affidavit of compliance on or before 23.03.2026 :-

The High Court Employees Medical Welfare Fund at Mumbai
Account No.: 000120110001337
Bank : Bank of India
Branch : Mumbai Main
IFSC Code : BKID0000001

13. Criminal Writ Petition No. 1057 of 2024 is disposed of in the above said terms.

[ASHWIN D. BHOBE, J.]

GITALAXMI
KRISHNA
KOTAWADEKAR
Digitally signed
by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
2026.03.09
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