

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2754 OF 2024

Devendra Gopinath Desai & Ors. ... Petitioners.

V/s.

Mrs. Aishwarya Ajinkya Desai & Anr. ... Respondents.

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Mr. Shreyas Sudhir Butala, Advocate for Petitioners.

Mr. Swaroop Tharwal (through V.C.), Advocate for Respondent No. 1.

Mr. Sukanta Karmakar, APP for Respondent/State.

API S.B. Bamane, Khadakpada Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATE : 30th JANUARY, 2026.

P.C. :

1. This Petition under Article 226 of the Constitution of India and under section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is preferred for quashing of FIR bearing No. 0297 of 2021 dated 9th October, 2021 registered with Khadakpada Police Station, Kalyan for the offences punishable under section 498(A),

354(A)(1)(ii), 354(A)(1)(iv), 323 read with 34 of the Indian Penal Code and charge-sheet bearing R.C.C. No. 174 of 2022 pending on the file of Judicial Magistrate First Class, Kalyan, arising out the said FIR.

2. Petitioners are present in the court and are identified by their Advocate Mr. Shreyas Butala. He tenders photostat copy of the identity cards (4 Nos.) of the Petitioners, same are taken on record and marked “X colly.” for identification.

3. Respondent No. 1 is present in the court. Respondent No. 1 tenders copy of her photo identity card which is taken on record and marked as “X-1” for identification.

4. Mr. Shreyas Butala and Mr. Swaroop Tharwal learned Advocate for the Respondent No. 1 jointly submit that matrimonial dispute between the Petitioners and Respondent No. 1 is amicably settled. They submit that the proceedings filed by the Petitioner No. 4 (husband) and Respondent No. 1(wife) before the Family Court seeking divorce by mutual consent is decreed vide Judgment

and Order dated 26th July, 2024. They therefore submit that the criminal proceedings may not be continued.

5. Respondent No. 1 (Ms. Aishwarya Ajinkya Desai) tenders affidavit affirmed by her before the Notary Sushant P. Belose on 8th May, 2024, same is taken on record and marked as “X-2” for identification. Respondent No. 1 states that the Affidavit (“X-2”) is filed out her free will and without any pressure from any one. She states that the contents of the affidavit (“X-2”) is as per her say. She reiterates that she has no objection for quashing of the criminal proceedings.

6. Mr. Sukanta Karmakar, learned APP for the State submits that the criminal proceedings can be quashed in view of the affidavit (“X-2”) filed by the Respondent No. 1. He however, submits that the Petitioners and Respondent No. 1 having used the police machinery for settling their dispute, they should be saddled with the costs.

7. Mr. Shreyas Butala and Mr. Swaroop Tharwal on

instructions from the Petitioners and Respondent No. 1 jointly submit that an amount of Rs. 30,000/- will be paid as costs.

8. Considering above circumstances, the nature of dispute the amicable settlement between parties, the statements made by the Respondent No. 1 in her Affidavit ("X-2") and having regards to the judicial pronouncements in the case of *Gian Singh v. State of Punjab*¹ and *Narinder Singh & ors v. State of Madhya Pradesh*² and in *Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.*³, there is no impediment for allowing this Petition.

9. This Petition is allowed in terms of prayer clause (b) and (c), subject to payment of costs of Rs. 30,000/-. Consequently, the FIR bearing No. 0297 of 2021 registered with Khadakpada Police Station, Kalyan and the Charge-sheet bearing R.C.C. No. 174 of 2022 are quashed.

10. Petitioners and the Respondent No. 2 shall deposit

1. (2012) 10 SCC 303.
 2. 2025 SCC Online SC 466
 3. (2017) 9 SCC 641.

Rs.30,000/- in the below-mentioned bank account within a period of two week from today and file proof of said deposit in the Registry of this Court.

**The High Court Employees Medical Welfare Fund at
Mumbai**

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

11. List this Petition on 27th February, 2026 for reporting compliance of deposit of cost.

(ASHWIN D. BHOBE, J.)