

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

CRIMINAL WRIT PETITION NO. 4631 OF 2024

Sadiya Kamaal Sddiqui & anr. ... Petitioners.

V/s.

The State of Maharashtra & Anr. ... Respondents.

Mr. Husen Shaikh a/w. Mr. Rumman Shaikh, Saima Uhan & Nisha D., Advocate for Petitioners.

Ms. Pallavi Dabholkar, APP for Respondent/State.

Ms. Jindagi Shah, Advocate for Respondent No. 2.

PSI Sopan Kadam, Dongri Police Station, Mumbai.

CORAM : ASHWIN D. BHOBE, J.

DATE : 29th JANUARY, 2026.

P.C. :

1. This Petition under Article 226 of the Constitution of India and under section 528 of the Bharatiya Nagarik Suraksha Sanita, 2023 is preferred against FIR bearing No. 89 of 2023 dated 15.05.2023 registered with Dongri Police Station for the offence punishable under section 500 & 509 of the Indian Penal Code, read with Section 67 of the Information & Technology Act and the

charge-sheet bearing Case No. PW/12/2024 pending before the Judicial Magistrate, 70th Court, at Mazgaon.

2. Petitioners are present in the court alongwith their Advocate Mr. Husen Shaikh. Photo identities of the Petitioners are taken on record and marked as “**X colly**” for identification.

3. Respondent No. 2 is present in the court alongwith her Advocate Ms. Jindagi Shah. Photo identity of the Respondent No. 2 is taken on record and marked as “**X-1**” for identification.

4. Mr. Husen Shaikh and Ms. Jindagi Shah jointly submits that the Petitioners and the Respondent No. 2 have amicably resolved their dispute as such the Respondent No. 2 has no objection for quashing of the criminal proceedings initiated on the basis of her complaint.

5. Ms. Jindagi Shah tenders Affidavit dated 29.01.2026 affirmed by the Respondent No. 2 before the Notary A.M.H. Banderkar, Dongri, Mumbai, same is taken on record and marked “**X-3**” for identification. Respondent No. 2 (Fatima Sirajuddin

Maulvi) states that she has filed the affidavit (“X-3”) out of her own free will and without any pressure from any person. She states that the contents of the affidavit (“X-3”) are as per her say. She reiterates her no objection for quashing of the criminal proceedings.

6. Ms. Pallavi Dabholkar, learned APP submits that on the basis of the complaint filed by the Respondent No. 2, law enforcing machinery was activated and they had to investigate the crime, which now the Petitioners and Respondent No. 2 have settled. She submits that the criminal proceedings which are subject of this Petition can be quashed in view of the statements made by the Respondent No. 2 in her affidavit (“X-3”), however, she strongly insists for costs to be paid by the parties.

7. Mr. Husen Shaikh and Ms. Jindagi Shah on instructions from the Petitioners and the Respondent No. 2 present in the court state that they will deposit an amount of Rs. 45,000/- (i.e. Rs. 15,000/- each) as cost.

8. Considering the nature of dispute, the amicable settlement between parties, the statements made by the Respondent No. 2 in her Affidavit ("X-3") and having regards to the judicial pronouncements in the case of *Gian Singh v. State of Punjab*¹, *Narinder Singh & ors v. State of Madhya Pradesh*² and *Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.*³, there is no impediment if this Petition is allowed. I therefore deem it fit and proper to exercise the power under Section 528 of BNSS and quash the criminal proceedings, subject to the Petitioners and Respondent No. 2 paying cost Rs. 45,000/-.

9. In view of the above, Petition is allowed in terms of prayer clause (a). Consequently, the FIR No. 89 of 2023 registered with Dongri Police Station and the Charge Sheet bearing Case No. PW/12/2024 pending before the Judicial Magistrate, 70th Court, Mazgaon are quashed.

10. Mr. Husen Shaikh and Ms. Jindagi Shah on instructions state that the cost of Rs. 45,000/- shall be deposited within a period of 2 weeks from today in the below mentioned

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

account and proof of deposit filed in the Registry of this Court on or before 12th February, 2026.

Central Police Welfare Fund

Director General M.S. Mumbai.

Account No: 914010029005759

Bank : Axis Bank Limited

Branch : Worli, Mumbai (M.H.), Mumbai - 400 025

IFSC Code: UTIB00000060.

11. List this Petition on 16th February, 2026 for reporting compliance on deposit of cost.

(ASHWIN D. BHOBE, J.)