

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

WRIT PETITION NO. 4640 OF 2024

Mangesh Sahdeo Sahare And Ors.	...Petitioners
Versus	
The State of Maharashtra And Anr.	...Respondents

Ms. Nisha Dubey h/f Mr. Uday B. Gavali a/w Mr. Sachin H. Kankal,
learned Advocates for the Petitioners.
All the Petitioner Nos. 1 to 7 appeared through VC.

Mr. Tanveer G. Khan, learned A.P.P. for the State/Respondent.
Mr. Ameya Lambhate, learned Advocate for Respondent No. 2.
Respondent No. 2 is present in the Court.
PSI Mr. Vitthal Pardhi attached to Vikhroli Police Station is present in the Court.

**CORAM : ASHWIN D. BHOBE, J.
DATE : 23rd JANUARY 2026.**

P.C. :

1. Heard Ms. Nisha Dubey, learned Advocate for the Petitioners, Mr. Tanveer Khan, learned A.P.P. for the State/Respondent and Mr. Ameya Lambhate, learned Advocate for Respondent No. 2.

2. At the outset, Ms. Nisha Dubey, learned Advocate for the Petitioners craves leave to amend the prayer clause of this Petition to incorporate the details of charge-sheet. Mr. Tanveer Khan, learned A.P.P. for the State/Respondent No. 1 and Mr. Ameya Lambhate, learned Advocate for Respondent No. 2 do not object for grant of the request made by Ms. Nisha Dubey. Leave to amend is granted. Amendment to be carried out forthwith.

3. This Petition is preferred by the Petitioners under Article 226 of the Constitution of India and under Section 482 of the Code of Criminal Procedure, 1973, for quashing of the First Information Report bearing C.R. No. 338 of 2024 dated 27.06.2024 registered with Vikhroli Police Station, Mumbai for the offences punishable under Sections 323, 406, 498-A, 504 & 506 read with Section 34 of the Indian Penal Code, 1860 and the charge-sheet bearing R.C.C. No. PW/1091/2024 pending before 31st Court of Judicial Magistrate First Class, Vikhroli, arising out of the said FIR.

4. Petitioner Nos. 1 to 7 appear through Video Conference. Ms. Nisha Dubey, learned Advocate for the Petitioners identifies Petitioners and tenders the photostat copies of their Aadhar Cards as identity proof. Same are taken on record and marked as “**X Colly.**” for identification. Respondent No. 2 is present along with her Advocate Mr. Ameya Lambhate. Mr. Ameya Lambhate tenders photostat copy of the Election Card of Respondent No. 2 as identity proof. Same is taken on record and marked as “**X-1**” for identification.

5. Ms. Nisha Dubey and Mr. Ameya Lambhate jointly submit that Petitioners and Respondent No. 2 have resolved the matrimonial dispute between Petitioner No. 1 (husband) and Respondent No. 2 (wife), as such Respondent No. 2 has given her No Objection for quashing of the criminal proceedings. They therefore submit that the criminal proceedings against the Petitioners be quashed.

6. Mr. Ameya Lambhate states that the Consent Affidavit dated

06.08.2025 affirmed by Respondent No. 2 before the Notary Advocate Ms. Chitra Gaikwad, Vikhroli (E), Mumbai along with the Consent Terms dated 04.07.2025, are filed along with the present Petition. Same are taken on record and marked as “X-2 Colly.” for identification. Respondent No. 2, who is present in the Court, states that she has filed the said Affidavit 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 06.08.2025 are as per her say. She reiterates that the dispute between Petitioner No. 1 and his family is resolved. She states that proceedings for dissolution of marriage by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 are pending before the Family Court at Bandra. Reference of the same is made in paragraph no. 5 of the Consent Affidavit (X-2 Colly.)

7. Petitioners, who are appearing through Video Conference and Respondent No. 2 reiterate that the dispute between them is amicably settled. Respondent No. 2 states that she does not intend to pursue/prosecute the criminal proceedings, as such she has given her No Objection for quashing of the criminal proceedings.

8. Mr. Tanveer Khan, learned A.P.P. for the State/Respondent submits that in view of the statements made by Respondent No. 2 before this Court and her statements in the Consent Affidavit dated 06.08.2025 (X-2 Colly.), no purpose would be served by continuing with the criminal proceedings. He therefore submits that the impugned FIR and the charge-sheet 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 in Consent Terms dated 04.07.2025 & the statement made on oath by Respondent No. 2 (Consent Affidavit dated 06.08.2025-X-2 Colly.) 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 Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.*³, there is no impediment to allow this Petition and to quash the criminal proceedings.

10. In view of the above, Petition is allowed in terms of prayer clause (a). Consequently, FIR bearing C.R. No. 338 of 2024 dated 27.06.2024 registered with Vikhroli Police Station, Mumbai for the offence punishable under Sections 323, 406, 498-A, 504 & 506 read with Section 34 of the Indian Penal Code, 1860 and the subsequent charge-sheet bearing R.C.C. No. PW/1091/2024 pending before 31st Court of Judicial Magistrate First Class, Vikhroli, arising out of the said FIR, are quashed. Criminal proceedings against the Petitioners arising out of the said FIR and the charge-sheet are closed.

11. Criminal Writ Petition No. 4640 of 2024 is disposed of. No order as to costs.

[ASHWIN D. BHOBE, J.]

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

GITALAXMI
KRISHNA
KOTAWADEKAR