

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4665 OF 2024

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Shahabaz Ali Bakar Raza Khan and Ors. ... Petitioners.

V/s.

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

Mr. A.J. Shaikh a/w. Mr. Siddharth R. Ghodke a/w Mr. Ramchandra Wagh a/w. Ms. Mrunmai Rokade a/w. Mr. Swapnil Kalokhe i/b. Mr. Narayan G. Rokade, Advocates for the Petitioners.

Ms. Pallavi Dabholkar, APP for the State.

Mr. Paramhans Dixit, Advocate for Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATE : 14th JANUARY, 2026.

P.C. :

1) By way of the present petition, the Petitioners invoke the jurisdiction of this Court under Article 226 of the Constitution of India and Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS). The Petitioners have sought for the following substantive relief:

"b) Quash and set aside FIR and consequential proceeding in CR No. 1256/2021 registered at Malwani Police Station, for the offences punishable under Section 377, 498A, 354, 406, 323, 504, 506 & 34 of the Indian Penal Code."

2) Mr. A.J. Shaikh, learned Advocate for the Petitioners states that during the pendency of the present Petition, the prosecution has filed the charge-sheet before the Court having jurisdiction and the same is registered as C.C. No. 2404640/PW/2023 and is pending before First Additional Chief Judicial Magistrate, First Class, 24th Court at Borivali.

3) Petitioners are present in Court along with their Advocate Mr. A.J. Shaikh. Respondent No.2 is present in Court along with her Advocate Mr. Paramhans Dixit.

4) Mr. Paramhans Dixit, learned Advocate for Respondent No.2 has tendered the affidavit in reply on behalf of Respondent No.2 dated 14th January, 2026 affirmed before the Advocate & Notary Shane Cardoz. Respondent No.2 (Neha Abedi Sayyed) admits her signature on the said affidavit at point A and A-1. The said affidavit dated 14th January, 2026 is taken on record and marked "X" for identification. Respondent No. 2 states that the said affidavit is filed out of her own free will and without any pressure

and coercion from any person. She states that contents of paras 1 to 7 of the affidavit are as per her say. She further states that she and Petitioner No.1 (husband) have amicably agreed to part ways and separate as their marriage has irretrievably broken down. She, therefore, by referring to paragraphs 5 and 6 to the affidavit ('X') states that the criminal proceedings filed at her instance be quashed. Petitioners who are present in Court state that the matrimonial dispute between the Petitioners and Respondent No.2 is resolved.

5) Mr. A.J. Shaikh and Mr. Paramhans Dixit, learned Advocates for the Petitioners and Respondent No.2, jointly submit that the criminal proceeding filed by Respondent No.2 against the Petitioners may not be continued and the same being quashed.

6) Ms. Pallavi Dabholkar, learned APP for the State after perusing the affidavit ('X') states that the parties having resolved their matrimonial issues, no purpose would be served in continuing the criminal proceedings and therefore, she submits that the criminal proceedings may be quashed.

7) Considering the statements made by Respondent No.2 in the affidavit ('X') as also the statements made by the Petitioners and

Respondent No.2 before this Court, supported by the submissions of the Advocate for the Petitioners and Respondent No.2, guided by the decision of the Hon'ble Supreme Court **Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur vs. State of Gujarat**¹, I deem it fit and proper to exercise powers under Section 528 of BNSS to quash the criminal proceedings.

8) Petition is, therefore, allowed. Consequently the FIR bearing No. 1256 of 2021 registered at Malwani Police Station, Malad and the charge-sheet bearing No.2404640/PW/2023, pending before First Additional Chief Judicial Magistrate, First Class, 24th Court at Borivali are quashed. Criminal proceedings commenced on the basis of the impugned FIR are closed.

9) Petition is allowed in the aforesaid terms.

(ASHWIN D. BHOBE, J.)

¹ (2017) 9 SCC 641.