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

CRIMINAL WRIT PETITION NO. 4790 OF 2024

Aniket Gurunath Mhatre and ors. : Petitioners.
Versus
State of Maharashtra and anr. : Respondents.

Mr. Mayur S Kadam for the Petitioners.
Mr. Prasanna P Malshe, APP for the Respondent/State.
Mr. Jitendra H Oak for the Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 20 FEBRUARY 2026

PC:-

1. Heard Mr. Mayur Kadam, learned Advocate for the Petitioners, Mr. Prasanna Malshe, learned APP for the Respondent/State and Mr. Jitendra Oak, learned Advocate for Respondent No.2.

2. This Petition/Application under Article 226 of the Constitution of India and under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is preferred by the Petitioners

for quashing the FIR bearing 101 of 2024 registered at Kalyan Taluka Police Station, Thane Gramin for the offences punishable under Sections 498A, 377, 506, 406 r/w 34 of the Indian Penal Code and the Chargesheet bearing No.77 of 2024, registered as Case No.RCC/416/2024), pending before the learned Judicial Magistrate First Class, Kalyan

3. Petitioners are present in the Court and are identified by their Advocate Mr. Mayur Kadam. He tenders the Photostat copies of the Identity Cards (three in number) of the Petitioners, which are taken on record and marked as “**X-Colly**” for identification.

4. Respondent No.2 is present in the Court and is identified by her Advocate Mr. Jitendra Oak. He tenders the Photostat copy of Identity Card of Respondent No.2, which is taken on record and marked as “**X-1**” for identification.

5. Mr Mayur Kadam, learned Advocate for the Petitioners and Mr. Jitendra Oak, learned Advocate for the Respondent

No.2, submit that the matrimonial disputes between the Petitioners and the Respondent No.2 are amicably resolved. They submit that the Petitioner No.1 (husband) and Respondent No.2 (wife) have decided to separate, and they have filed proceedings seeking divorce by mutual consent under Section 13(b) of the Hindu Marriage Act, which is pending before the Civil Court. They submit that in view of the resolution of the disputes, the Respondent No.2 has given no objection for quashing of the criminal proceedings.

6. Mr. Jitendra Oak, learned Advocate for the Respondent No.2, states that the Affidavit dated 20 February 2026 affirmed by Respondent No.2 before the Notary Adv. S N Dhange, Fort, Mumbai, is placed on record, same is marked as “X-2” for identification.

7. Respondent No. 2 states that the said Affidavit (X-2) is filed out of her own free will and without any pressure or coercion from any person. She states that the contents of the Affidavit (X-2) are as per her say. She reiterates her no

objection for quashing of the criminal proceedings.

8. Mr. Prasanna Malshe, learned APP for the Respondent/State submits that the matrimonial disputes between the Petitioners and the Respondent No.2 being resolved and the Respondent No.2 having filed Affidavit (X-2) giving no objection for quashing the criminal proceedings, no purpose would be served in continuing with the criminal proceedings. He however insists for imposition of costs.

9. Mr. Mayur Kadam, learned Advocate for the Petitioners and Mr. Jitendra Oak, learned Advocate for the Respondent No.2, on instructions, submits that the Petitioners and Respondent No.2 shall deposit appropriate costs.

10. Considering the aforesaid circumstances, the nature of dispute, the matter being settled between the Petitioners and the Respondent No.2, the statement of Respondent No. 2 in the Affidavit (X-2) and having regards to the pronouncements of the Hon'ble Supreme Court in the case of *Gian Singh vs*

State Of Punjab¹, Narinder Singh And Ors vs State Of Punjab And Anr² and Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat³, there is no impediment in allowing this Application.

11. In view of the above, Criminal Writ Petition No.4790 of 2024 is allowed in terms of prayer clause (a) subject to payment of costs of Rs.50000/-. Consequently, the impugned FIR bearing No.101 of 2024 dated 16 February 2024 registered with the Kalyan Taluka Police Station, Thane Gramin and the Chargesheet bearing No.77 of 2024, registered as Case No. RCC/416/2024, pending before the learned Judicial Magistrate First Class, Kalyan, are quashed.

12. Out of the total costs of Rs.50,000/-, the Petitioners shall deposit an amount of Rs.25,000/- and the Respondent No.2 shall deposit an amount of Rs.25,000/- in the below mentioned Account within a period of two weeks from today and file in the Registry of this Court the compliance affidavit along with the proof of deposit on or before 17 March 2026 :-

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

Account Name : Armed Forces Battle Casualties Welfare Fund

Account Number : 90552010165915

Bank Name : Canara Bank

Branch : South Block, Defence Headquarters New Delhi-
110011

IFSC Code : CNRB0019055

13. This Criminal Writ Petition is allowed in the above-said terms.

(ASHWIN D. BHOBE, J.)