

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

WRIT PETITION NO. 4873 OF 2024

Harish Sohanlal Jatoriya And Anr.

...Petitioners

Versus

The Senior Police Inspector And Ors.

...Respondents

Mr. Mateen Shaikh a/w Mr. Jammu Shaikh, Mr. Imran Shaikh & Mr. Razique Shaikh, learned Advocates for the Petitioners.
Petitioners are present in the Court.

Ms. Pallavi N. Dabholkar, learned A.P.P. for the State/Respondent.
Ms. Muskan Shaikh a/w Mr. Arshad Shaikh & Mr. Ejaz Shaikh, learned Advocates for Respondent Nos. 3 & 4.
Respondent Nos. 3 & 4 are present in the Court.
PI Mr. Pratap Pawar attached to Nehru Nagar Police Station, Mumbai is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 22nd JANUARY 2026.

P.C. :

1. Heard Mr. Mateen Shaikh, learned Advocate for the Petitioners, Ms. Pallavi Dabholkar, learned A.P.P. for the State/Respondent and Ms. Muskan Shaikh, learned Advocate for Respondent Nos. 3 & 4.

2. This Petition is preferred under Article 226 of the Constitution of India and under Section 482 of the Code of Criminal Procedure, 1973 by the Petitioners for quashing of the First Information Report bearing no. 395 of 2020 dated 17.09.2020 registered with Nehru Nagar Police Station, Mumbai for the offence

punishable under Sections 363, 376(ii)(n), 212 read with 34 of the Indian Penal Code, 1860 and Sections 4, 6, 8, 10 & 12 of the Protection of Children from Sexual Offences Act, 2012 and the Special Case No. 1359 of 2021 arising out of the said FIR, pending before 18th Special Court, City Civil & Sessions Court at Greater Mumbai.

3. Respondent Nos. 3 & 4 are present in the Court along with their Advocate Ms. Muskan Shaikh. Petitioners are present in the Court along with their Advocate Mr. Mateen Shaikh. Ms. Muskan Shaikh and Mr. Mateen Shaikh, learned Advocates for the parties jointly submit that the Petitioners and Respondent Nos. 3 & 4 have resolved their differences and Respondent Nos. 3 & 4 have No Objection for quashing of the criminal proceedings. They submit that no purpose would be served in continuing the criminal proceedings and the same be quashed.

4. Ms. Muskan Shaikh states that Respondent Nos. 3 & 4 have affirmed the Affidavits dated 10.10.2024 before Registry of this Court. Said Affidavits are placed on record along with the present Petition at Page Nos. 146 to 153. Respondent Nos. 3 & 4, who are present in the Court state that said Affidavits dated 10.10.2024 have been filed by them out of their own free will and without any pressure, force or coercion from any person. They state that the contents of Affidavits dated 10.10.2024 are as per their say. They submit that Respondent No. 4 is now happily married with Petitioner No. 1 and out of the said wedlock, they have a minor child, who is presently two years old. They state that they are residing as a family with a minor child.

5. Mr. Mateen Shaikh refers to Page No. 145 of the Petition paper-book (Exhibit-B), which is the Marriage Certificate of Petitioner No. 1 and Respondent No. 4. Said marriage is solemnized on 17.07.2021.

6. Ms. Pallavi Dabholkar, learned A.P.P. for the State/Respondent submits that the Investigating Officer has verified the Marriage Certificate and has reported that the same to be genuine. She submits that in view of the statements made today by Respondent Nos. 3 & 4 before this Court and the statements made in their respective Affidavits dated 10.10.2024 coupled with the fact that Petitioner No. 1 & Respondent No. 4 are married and staying together as confirmed by the Investigating Officer, no purpose would be served by continuing with the criminal proceedings, which was lodged by Respondent No. 3 (Complainant). She therefore submits that the impugned FIR and the charge-sheet, can be quashed.

7. Having regards to the facts as placed before me, the nature of dispute, the amicable settlement arrived between the parties, Petitioner No. 1 and Respondent No. 4 staying together as husband and wife, the statements made on oath by Respondent Nos. 3 & 4 (Affidavits dated 10.10.2024) 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, *Sandeep Singh Thakur v/s. The State of Madhya Pradesh and Anr.*³ and *Parbatbhai*

1. (2012)10 Supreme Court Cases 303.

2. (2014)6 Supreme Court Cases 466.

3. 2025 SCC OnLine SC 2927.

Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.⁴, to secure ends of justice I deem it fit and proper to exercise powers under Section 528 of the BNSS to quash the criminal proceedings.

8. In view of the above, Petition is allowed in terms of prayer clause (a). Consequently, FIR No. 395 of 2020 dated 17.09.2020 registered with Nehru Nagar Police Station, Mumbai for the offence punishable under Sections 363, 376(ii)(n), 212 read with 34 of the Indian Penal Code, 1860 and Sections 4, 6, 8, 10 & 12 of the Protection of Children from Sexual Offences Act, 2012 and the Special Case No. 1359 of 2021 arising out of the said FIR, pending before 18th Special Court, City Civil & Sessions Court at Greater Mumbai, are quashed. Criminal proceedings against the Petitioners arising out of the impugned FIR and the charge-sheet are closed.

9. Criminal Writ Petition No. 4873 of 2024 is disposed of. No order as to costs.

[ASHWIN D. BHOBE, J.]

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