

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 5197 OF 2024

Prashant Shantilal Soni & Ors. ... Petitioners.

V/s.

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

Mr. B.D. Chauhan, Advocate for Petitioners.

Mr. Rahul Raut, i/b. M/s. N.N. Vaishnawa & Co., Advocate for Respondent No. 2.

Ms. Mittal Soni, Respondent No. 2 present.

Mr. Kiran Shinde, APP for Respondent/State.

PSI Ruchira Bhate, L.T. Marg Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATE : 21st JANUARY, 2026.

P.C. :

1. By the present Petition filed under Article 226 of the Constitution of India and under Section 528 of the Bharatiya Nagarik Suraksha Sanhit, 2023, the Petitioner has sought for the following substantive relief :

“b) This Hon'ble may be pleased to quash and set aside the F I. R No. 257 of 2024 dated 22/03/2024 lodged

with L. T. Marg Police Station Mumbai for an offence u/s 498 (A), 377, 354, 406, 323, 504, 506 & 34 of IPC on 22/03/2024 lodged by L. T. Marg Police Station Mumbai against all above-named Appellants, lodged at the instance of present Respondent no. 2 by exercising its inherent power as provided under section 482 of the code of criminal procedure.

c) This Hon'ble further be pleased to discharged all the above named present Appellants arising out First Information Report (FIR) bearing its C.R. No. 257 of 2024u/s 498 (A), 377, 354, 406, 323, 504, 506 & 34 of IPC on 22/03/2024 lodged by L. T. Marg Police Station, Mumbai.”

2. Petitioners are present in court and are identified by their Advocate Mr. B.D. Chauhan, he tendered photo identity card of the Petitioners (6 Nos.) which are taken on record and marked “X” colly. for identification. Respondent No. 2 is present in the court alongwith her Advocate Mr. Rahul Raut.

3. Mr. Chauhan, learned Advocate for the Petitioners and Mr. Rahul Raut, learned Advocate for the Respondent No. 2 on instructions from the Petitioners and the Respondent No.2 who are present in the Court state that the matrimonial dispute between the Petitioner No. 1 (husband) and Respondent No. 2 (wife) has been amicably resolved. On account of the said resolution of the dispute, Respondent No. 2 does not intend to continue with the

criminal proceedings initiated on her complaint. Mr. Rahul Raut, tenders affidavit dated 5th December, 2025 affirmed before the Notary Dhananjay K. Raje, Gr. Mumbai alongwith consent terms which are taken on record and marked “X-1” colly. for identification.

4. Respondent No. 2 (Mittal Vinodji Soni) who is present in court states that she has filed the affidavit dated 5th December, 2025 out of her own free will and without any pressure from any person. She states that the contents of the affidavit are as per say. She refers to paragraph Nos. 4 and 5 of the affidavit (“X-1”) to submit that she has no objection for quashing of the criminal complaint.

5. Mr. Kiran Shinde, learned APP for the State submits that the parties have amicably resolved this dispute and the Respondent No. 2 having given her consent for quashing of the FIR in the affidavit (“X-1”), no purpose would be served in continuing with the criminal proceedings commenced on the basis of the complaint filed by the Respondent No. 2.

6. Considering the statement made by the Respondent No. 2 in the affidavit (“X-1”) and the submissions of Mr. Chauhan and Mr. Raut that the parties have amicably resolved the matrimonial dispute, the nature of dispute 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 in *Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Ors. 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. Petition is therefore, allowed in terms of prayer clause (b) and (c). Consequently, the FIR bearing No. 257 of 2024 registered with the L.T. Marg Police Station, Mumbai is quashed.

7. No order as to costs.

8. Writ Petition No. 5197 of 2024 is disposed of.

(ASHWIN D. BHOBE, J.)

1(2012) 10 SCC 303
22025 SCC Online Sc 466
3(2017) 9 SCC 641.