

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

CRIMINAL APPLICATION NO.245 OF 2024

Jivan Umakant Patil and ors. : Applicants
Versus
State of Maharashtra and ors. : Respondents.

**WITH
CRIMINAL WRIT PETITION NO.1753 OF 2026**

Vishal Supdu Patil : Petitioner.
Versus
The State of Maharashtra and anr. : Respondents.

Mr. Kunal Shirgire h/f Mr. Vikas Kolekar for the Applicants in
APL-245/2024.

Mr. Sachin Chandan for the Petitioner in WP-1753/2026.

Mr.Rohit Gorde for the Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 07 APRIL 2026

PC:-

1. Heard Mr. Kunal Shirgire, learned Advocate for the Applicants in Criminal Application No.245 of 2024, Mr. Sachin Chandan, learned Advocate for the Petitioner in Criminal Writ Petition No.1753 of 2026, Mr. Rohit Gorde, learned Advocate

for the Respondent No.2 in both the Criminal Application and the Criminal Writ Petition, Mrs. Rajeshree Newton, learned APP for the Respondent/State in both the Criminal Application and the Criminal Writ Petition.

2. Criminal Writ Petition No. 1753 of 2026 was taken up on the board at the request of Mr. Sachin Chandan, learned Advocate for the Petitioner.

3. The learned Advocates for all the parties submit that Criminal Application No. 245 of 2024 and Criminal Writ Petition No. 1753 of 2026 pertain to the same FIR bearing No. 736 of 2023, and, as such, request that both these proceedings be taken up together and disposed of by a common order. At the request of the learned Advocates for the parties, both these matters are taken up together.

4. The Criminal Application No.245 of 2024 filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and the Criminal Writ Petition No.1753 of 2026 filed under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, respectively are preferred by the Applicants and the Petitioner for quashing the FIR bearing No.736 of 2023 (impugned FIR) registered with Ambad Police Station, Nashik City, and the charge-sheet No.238 of 2024 registered as Case No.444 of 2025, pending before the Sessions Court, Nashik.

5. Mr. Kunal Shirgire, learned Advocate for the Applicants, Mr. Sachin Chandan, learned Advocate for the Petitioner and Mr. Rohit Gorde, learned Advocate for the Respondent No.2, submit that the matrimonial dispute between Applicant No.1 – Jivan Umakant Patil (husband) and the Respondent No.2 (wife) was the subject matter of the impugned FIR. They submit that the Applicants and the Petitioner in these proceedings have amicably resolved the matrimonial dispute with the Respondent No.2. They submit that the Respondent No.2 and Jivan Umakant Patil had filed Divorce Petition No. F-396 of 2024 before the Family Court, Nashik, seeking divorce by mutual consent under Section 13(b) of the Hindu Marriage Act, 1955, which petition is decreed vide judgment and decree dated 16 December 2024. They submit that the Respondent No.2 and Jivan Umakant Patil have separated from each other. They submit that the Respondent No.2 has given her no objection in her Affidavit dated 07 April 2026 filed in Criminal Application No. 245 of 2024 and Affidavit dated 24 March 2026 filed in Writ Petition No. 1753 of 2026. They submit that the Respondent No.2 is not interested in continuing with the criminal proceedings and therefore request the quashing of the impugned FIR and the charge-sheet.

6. Applicant No. 1 is present in Court, whereas Applicant Nos. 2 and 3 appear through V.C. The Applicants are identified by their Advocate Mr. Kunal Shirgire, who tenders photostat copies of the Applicants' Identity Cards. The Petitioner is present in Court and is identified by his Advocate Mr. Sachin

Chandan, who tenders a photostat copy of the Petitioner's Identity Card. The photostat copies of the Applicants' and the Petitioner's Identity Cards are taken on record and marked as **"X-Colly"** for identification.

7. Respondent No.2 is present in the Court and is identified by her Advocate Mr. Rohit Gorde. He tenders the Photostat copy of the Identity Card of Respondent No.2, which is taken on record and marked as **"X-1"** for identification.

8. Mr. Rohit Gorde, learned Advocate for the Respondent No.2 submits that the Affidavit dated 07 April 2026 affirmed by Respondent No.2 before the Notary Aparna D Vhatkar is placed on record in Criminal Application No.245 of 2024 and Affidavit dated 24 March 2026 affirmed by Respondent No.2 before the Notary A R Surve is placed on record in Criminal Writ Petition No.1753 of 2026. Both the Affidavits are marked as **"X-2-Colly"** for identification.

9. Respondent No. 2 states that the matrimonial dispute has been amicably settled between her and the Applicants as well as the Petitioner. She submits that since she is now separated by way of judicial separation, she is not interested in continuing the criminal proceedings. She states that in view of the settlement reached between her and the Applicants, as well as the Petitioner, she has no grievance against them. She states that the Affidavits (X-2-Colly) are filed of her own free will and without any pressure or coercion from any person.

She states that the contents of the Affidavits (X-2-Colly) are as per her say. She reiterates her no objection to the quashing of the criminal proceedings. She relies on paragraph Nos. 2, 3 and 4 of the Affidavit dated 07 April 2026 filed in Criminal Application No. 245 of 2024 and paragraph Nos. 2 to 7 of the Affidavit dated 24 March 2026 filed in Criminal Writ Petition No. 1753 of 2026, which are transcribed herein below in verbatim :-

"Paragraphs 2, 3 and 4 in the Affidavit dated 07 April 2026.

3. I say that I have no objection if this Hon'ble Court quash the FIR bearing no. 736/2023 registered with Ambad Police Station, Nashik City, Nashik, dated 27/11/2023 for the alleged offences under Sections 498-A, 376, 506 and section 34 of the Indian Penal Code against the present applicants and consequent criminal proceedings arising therefrom, as there remains no grievance or dispute between the abovesaid parties.

4. I say that I have given this affidavit voluntarily, without any coercion, pressure or undue influence from anyone.

5. I say that whatever stated above is true and correct, this affidavit be pleased to be taken on record and

Paragraphs 2 to 7 in the Affidavit dated 24 March 2026.

2. I say that the aforesaid FIR came to be lodged by me against the Petitioner and others due to personal differences and misunderstandings which arose between us.

3. I say that the Petitioner and I were known to each other and were in a relationship for a considerable period of time. However, due to differences, disputes arose between us, which led to filing of the aforesaid FIR.

4. I say that with the intervention of respected members of the society and relatives from both sides, the disputes between me and the Petitioner have now been amicably resolved.

5. I say that I have, of my own free will and volition, without any coercion, pressure, undue influence, threat or force from any person whatsoever, decided to settle the matter with the Petitioner.

6. I say that I do not wish to prosecute the Petitioner any further in respect of C.R. No. 736 of 2023 and the consequent Session Case No. 444 of 2025 pending before the Learned Sessions Court at Nashik.

7. I say that I have no objection if this Hon'ble Court is pleased to quash and set aside the aforesaid FIR and all consequential proceedings arising therefrom."

10. Mrs Rajeshree Newton, learned APP for the Respondent/State, submits that the Applicants, the Petitioner and the Respondent No.2, having settled their personal / matrimonial dispute, the Respondent No.2 and Jivan Umakant Patil being separated by divorce and the no objection given by the Respondent No.2 in her Affidavits (X-2-Colly), she does not object to the quashing of the impugned FIR and the charge-sheet arising from it. She, however, insists on the imposition of exemplary costs on the Applicants, the Petitioner and the Respondent No.2, for unnecessarily involving the police in such a matter.

11. Mr. Kunal Shirgire, learned Advocate for the Applicants, Mr. Sachin Chandan, learned Advocate for the Petitioner and Mr. Rohit Gorde, learned Advocate for the Respondent No.2, on instructions, submit that appropriate costs will be paid.

12. Considering the facts mentioned hereinabove, the submissions of the learned Advocates for the parties, the nature of the dispute being a matrimonial dispute between the

Applicants and the Respondent No.2, as also a personal dispute between the Petitioner and the Respondent No.2, which now stands settled, the Applicant No.1 (Jivan Umakant Patil) and the Respondent No.2 having separated by divorce and the statements made by the Respondent No.2 before this Court as also in the Affidavits (X-2-colly), no useful purpose will be served by allowing the criminal prosecution to continue. Having regard to the pronouncements of the Hon'ble Supreme Court in *Gian Singh vs State of Punjab*¹, *Narinder Singh and Ors vs State of Punjab and Anr*² and *Parbatbhai Aahir @ Parbatbhai vs The State of Gujarat*³, there is no impediment in allowing this Application.

13. In view of the above, Criminal Application No.245 of 2024 is allowed in terms of prayer clause (a) and Criminal Writ Petition No.1753 of 2026 is allowed in terms of prayer clause (a) subject to the Applicants jointly paying Rs. 30,000/-, the Petitioner paying Rs.25,000/- and the Respondent No.2 paying Rs.10,000/-. Payment of costs is a condition precedent. Consequently, the impugned FIR and the charge-sheet arising out of it are quashed.

14. The Applicants, the Petitioner and the Respondent No. 2 shall deposit their respective costs in the Account mentioned below within three weeks from today and file the compliance

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

affidavit, along with proof of deposit, in the Registry of this Court on or before 30 April 2026.

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15. The Criminal Application No.245 of 2024 and the Criminal Writ Petition No.1753 of 2026 are disposed of.

(ASHWIN D. BHOBE, J.)