

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

WRIT PETITION NO. 1 OF 2026

Varun Jayesh Madlani And Ors.

...Petitioners

Versus

The State of Maharashtra And Anr.

...Respondents

Ms. Seema Pandya, learned Advocate for the Petitioners.

Mr. Varun Jayesh Madlani, Petitioner No. 1 is present in the Court.

Mr. Tanveer J. Khan, learned A.P.P. for the State/Respondent.

Ms. Neelam Chavan @ Ghorpade, learned Advocate for Respondent No. 2.

Ms. Zalak Umesh Shah, Respondent No. 2 is present in the Court.

PSI Mr. D. P. Mane attached to Kasturba Marg Police Station is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 14th JANUARY 2026.

P.C. :

1. Heard Ms. Seema Pandya, learned Advocate for the Petitioners, Mr. Tanveen Khan, learned A.P.P. for the State/Respondent and Ms. Neelam Chavan @ Ghorpade, learned Advocate for Respondent No. 2.

2. At the outset, Ms. Seema Pandya, learned Advocate for the Petitioners craves leave to carry out amendment in the Petition in respect of Crime Number and the Court to which the charge-sheet has been transferred.

3. Amendment is not objected to by the Respondents. Hence,

the amendment be carried out forthwith.

4. By the present Petition, the Petitioners have sought for the following substantive relief :-

“a. That this Hon’ble Court may please to quash the proceedings bearing C.C. No. 2795/PW/2025 pending in 68th Judicial Magistrate Court at Borivali arising out of FIR No. 95/2024 dated 02/02/2024 registered with Kasturba Marg Police Station for offences 498(A), 406, 506, 34 of IPC.”

5. Petitioner No. 1 is present in the Court along with his Advocate Ms. Seema Pandya. Petitioner Nos. 2 & 3, who appearing through Video Conferencing, are identified by Ms. Seema Pandya, learned Advocate for the Petitioners. She tenders the photo identity proofs (Aadhar Cards) of Petitioner Nos. 2 & 3. The same are taken on record and marked as “**X Colly.**” for identification.

6. Ms. Seema Pandya, learned Advocate for the Petitioners and Ms. Neelam Chavan @ Ghorpade, learned Advocate for Respondent No. 2 jointly submit that the matrimonial discord between the Petitioners and Respondent No. 2 is resolved. They submit that Respondent No. 2 has filed an Affidavit dated 11.12.2025 at Exhibit-C (Page Nos. 99 & 100 of the paper-book of Petition.). It is taken on record and marked as “**X-1**” for identification. They further submit that the criminal proceedings may not be continued and the same be quashed.

7. Respondent No. 2 (Ms. Zalak Umesh Shah) is present in the Court along with her Advocate Ms. Neelam Chavan @ Ghorpade. Respondent No. 2 admits her signature on Page No. 100 of the

Affidavit dated 11.12.2025 at point “A”. She states that the said Affidavit has been filed by her out of her own free will and without any pressure or coercion from any person. She states that the contents of paragraph Nos. 1 to 7 of the Affidavit dated 11.12.2025 are as per her say. She submits that she and Petitioner No. 1 have filed proceedings before the Family Court for seeking divorce by mutual consent. She submits that considering the subsequent events and the matrimonial dispute being resolved, she does not intend to pursue/prosecute the criminal proceedings. She states that she has resolved the issue amicably with the Petitioners and decided to separate from Petitioner No. 1. She states that such statements are made by her in paragraph nos. 5 & 6 of the document at X-1.

8. Petitioner No. 1, who is present in the Court and Petitioner Nos. 2 & 3, who are appearing through Video Conference state that the matrimonial dispute with Respondent No. 2 is resolved.

9. Mr. Tanveen Khan, learned A.P.P. for the State/Respondent states that in view of the statements made by Respondent No. 2, who is present in the Court and her statements in the Affidavit dated 11.12.2025 at X-1, no purpose would be served by continuing with the criminal proceedings. He therefore submits that the impugned FIR and the criminal proceedings may be quashed on the basis of statement made by Respondent No. 2 in the Affidavit at X-1 and the statements today made before this Court by the Petitioners, Respondent No. 2 and the Advocates representing them.

10. Considering the facts as placed before me, the settlement arrived between the parties, the statements made on oath by Respondent No. 2 (Affidavit at X-1) and guided by the decision of the Hon'ble Supreme Court in the case of ***Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.***¹, I deem it fit and proper to exercise powers under Section 528 of the BNSS to quash the criminal proceedings.

11. Petition is therefore allowed in terms of prayer clause (a). Consequently First Information Report No. 95 of 2024 dated 02.02.2024 registered with Kasturba Marg Police Station, Mumbai for the offence punishable under Sections 498(A), 506 & 406 read with 34 of the Indian Penal Code, 1860 and the charge-sheet bearing C.C. No. 2795/PW/2025 pending before 68th Court of the Judicial Magistrate First Class at Borivali, are quashed and set aside. Criminal proceedings against the Petitioners arising out of the said FIR and charge-sheet are closed.

12. Writ Petition No. 1 of 2026 is disposed of.

[ASHWIN D. BHOBE, J.]

GITALAXMI
KRISHNA
KOTAWADEKAR

Digitally signed
by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
2026.01.22
19:02:53 +0530

1 (2017) 9 SCC 641.