

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 19 OF 2026

Wasim Jahan Sayyed and Anr ..Petitioners
Versus
State of Maharashtra & Anr ...Respondents

Adv. Khushnood Shaikh, with Hamza Shaikh and Shifa Farooqui, i/b
Saeed Akhtar, for the Petitioners.
Mr. Dinesh Haldankar, APP, for Respondent -State.
Adv Zeenat Ghadiyali, for Respondent No.2.
Sumaiya Naushad Ali Sayyed, Respondent No.2 present in Court.

CORAM: N. J. JAMADAR, J.
DATE : 22nd JANUARY 2026

ORAL ORDER:

1. Heard the learned Counsel for the parties.
2. The learned Counsel for the parties submit that the Petitioners and Respondent No.2 have amicably resolved the dispute and Consent Terms have been executed before the learned Magistrate in proceeding under the Protection of Women from Domestic Violence Act, 2005 being C.C. No. 20/DV of 2017.
3. Respondent No.2's marriage was solemnized with Naushad Ali Sayyed (A1), the son of Petitioner No.1 and brother of Petitioner No.2. Naushad Ali Sayyed is based at Boston, America.

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4. In the wake of matrimonial dispute, the Respondent No.2 has lodged a report leading to registration of CR No.356 of 2015 for the offences punishable under Sections 498A, 406, 504 and 506 read with Section 34 of the Indian Penal Code against the Naushad Ali Sayyed (Accused No. 1) and the Petitioner No.1, which culminated in PW/1927/2016.

5. Sumaiya Naushad Ali Sayyed, the first informant, (Respondent No.2) is present before the Court. Petitioner Nos. 1 and 2 are also present before the Court.

6. Sumaiya Naushad Ali Sayyed, Respondent No.2 has filed an Affidavit giving her no objection for the quashing of the proceedings arising out of CR No. 356 of 2015. Paragraphs 5 to 10 of this Affidavit filed by Sumaiya Naushad Ali Sayyed(R2) read as under:

“5. I say that as per the said Consent Terms, all disputes and claims arising out of the marriage, including criminal, civil and matrimonial disputes, permanent alimony, maintenance and other ancillary claims, have been settled fully and finally.

6. I say that in terms of settlement, a total amount of Rs.25,00,000/- (Rs. Twenty Five Lakhs Only) has been agreed as full and final settlement, out of which ***Rs.8,00,000/- (Rupees Eight Lakhs Only) to be received on the date of filing of this Affidavit of No Objection,*** and the balance amount is to be paid strictly in accordance with the Consent Terms dated 12th December 2025.

7. I say that I have no surviving grievance, dispute or claim of any nature whatsoever against the Petitioners herein in respect of the subject proceedings.

8. I say that I have voluntarily, of my own free will and without any force, pressure or coercion, agreed to give my consent and no objection for quashing of the proceedings bearing No. 1927/PW/2016 arising therefrom, pending before the learned Judicial Magistrate First Class, 67th Court at Borivali.

9. I say that I do not wish to prosecute the said criminal proceedings any further and I have no objection if this Hon'ble Court is pleased to quash and set aside the entire proceedings bearing No. 1927/PW/2016 and all consequential proceedings against the Petitioners in the interest of justice.

10. I say that this affidavit is filed in compliance with the Consent Terms dated 12th December 2025 and to convey my unconditional no objection for allowing the present quashing Petition."

7. Sumaiya Naushad Ali Sayyed (R2) submits that the matter has been amicably settled and she has executed the Consent Terms and filed the Affidavit out of her volition. There is no coercion or duress. She has no objection to quash the proceedings in PW/1927/2016 arising out of CR No. 356 of 2015.

8. As the prosecution arises out of a matrimonial dispute and the parties have amicably resolved the dispute, no fruitful purpose would be served by continuing the prosecution. In view of the enunciation of law

in the case of **Narinder Singh & Ors Vs State of Punjab & Anr**,¹ the criminal cases having an overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or matrimonial relationship or family disputes can be quashed when the parties have resolved their entire dispute among themselves.

9. Applying the aforesaid principles to the facts of the case at hand, this Court is satisfied that the continuation of prosecution would be an abuse of the process of the Court and the quashing of the prosecution would advance the interest of justice as no fruitful purpose would be served by continuing the prosecution. The interest of the justice will be better served if the prosecution is quashed and set aside.

10. The Petition thus stands allowed and the proceeding in PW/1927/2016 arising out of CR. 356 of 2015 for the offence punishable under Sections 498A, 406, 504 and 506 read with Section 34 of the Indian Penal Code stand quashed.

11. Petition disposed.

[N. J. JAMADAR, J.]

¹ (2014) 6 SCC 466.