

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

CRIMINAL WRIT PETITION NO. 75 OF 2026

Saurabh Ramakant Wade and ors. : Petitioners
Versus
State of Maharashtra and anr. : Respondents.

Mr. Satish Kumbhar for the Petitioners.
Ms. Tanveer G Khan, APP for the Respondent/State.
Mr. Shaikh Mohd. Tari for Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.
DATED : 18 FEBRUARY 2026

PC:-

1. Heard Mr. Satish Kumbhar, learned Advocate for the Petitioners, Mr. Tanveer G Khan, learned APP for the Respondent/State and Mr. Shaikh Mohd. Tari, learned Advocate for Respondent No.2.

2. This Petition under Article 226 of the Constitution of India and under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is preferred by the Petitioners for quashing the FIR bearing CR No.253 of 2024 dated 29/03/2024 registered

with Goregaon Police Station, Mumbai for the offences punishable under Sections 498A, 323 and 504 read with Section 34 of the Indian Penal Code and Criminal Case No.2271/PW/2024 pending before 67th Court of the JMFC, Borivali, Mumbai.

3. Petitioners are present in the Court and are identified by their Advocate Mr. Satish Kumbhar. He tenders the Photostat copies of the Identity Cards (three in number) of Petitioners, which are taken on record and marked as “X-Colly” for identification.

4. Respondent No.2 is present in the Court and is identified by her Advocate Mr. Shaikh Mohd. Tari. He tenders the Photostat copy of Identity Card of Respondent No.2, which is taken on record and marked as “X-1” for identification.

5. Mr. Satish Kumbhar, learned Advocate for Petitioners and Mr. Shaikh Mohammad Tariq, learned Advocate for

Respondent No.2, submit that the matrimonial dispute between the Petitioners and the Respondent No.2 is amicably resolved. Petitioner No. 1 (husband) and Respondent No.2 (wife) have decided to part ways and they have filed proceedings before the Family Court, Mumbai bearing A-240 of 2023 seeking divorce by mutual consent. They submit that the Respondent No.2 has no objection for quashing the impugned FIR.

6. Mr. Shaikh Mohd. Tari, learned Advocate for Respondent No.2, states that the Affidavit dated 17 February 2026, affirmed by Respondent No.2 before the Notary Advocate Udaiprakash, Malad (W), Mumbai is placed on record, same is marked as “X-2” for identification.

7. Respondent No. 2 states that the said Affidavit (X-2) is filed out of her own free will and without any pressure or coercion from any person. She states that the contents of the Affidavit (X-2) are as per her say. She reiterates her no objection for quashing of the criminal proceedings.

8. Mr. Tanveer G Khan, learned APP for the Respondent/State submits that the Petitioners and the Respondent No.2 have made an attempt to resolve their matrimonial dispute by using police machinery. He however submits that the Petitioners and the Respondent No.2 having settled the matter and the Respondent No.2 having filed her Affidavit (X-2), no purpose would be served in continuing with the criminal proceedings. He however insists for imposition of costs.

9. Mr. Satish Kumbhar learned Advocate for the Petitioners and Mr. Shaikh Mohd. Tari, learned Advocate for the Respondent No.2, on instructions, submit that the Petitioners and Respondent No.2 shall deposit appropriate costs.

10. Considering the aforesaid circumstances, the nature of dispute, the matter being settled between the Petitioners and the Respondent No.2, the statement of Respondent No. 2 in the Affidavit (X-2) and having regards to the pronouncements

of the Hon'ble Supreme Court in the case of *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.

11. In view of the above, Criminal Writ Petition No. 75 of 2026 is allowed in terms of prayer clause (a) subject to payment of costs Rs.50,000/-. Consequently, the impugned FIR bearing CR No.253 of 2024 dated 29/03/2024 registered with Goregaon Police Station, Mumbai and Criminal Case No.2271/PW/2024 pending before 67th Court of the JMFC, Borivali, Mumbai are quashed.

12. Out of the total costs of Rs.50,000/-, the Petitioners shall deposit an amount of Rs.30,000/-, and the Respondent No.2 shall deposit an amount of Rs.20,000/- in the below mentioned Account within a period of two weeks from today and file in the Registry of this Court the compliance affidavit along with the proof of deposit on or before 16 March 2026.

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

- a) The Petitioners shall deposit an amount of Rs.30,000/-
in:-

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

- b) The Respondent No.2 shall deposit an amount of
Rs.20,000/- in :-

Central Police Welfare Fund

Account No: 914010029005759

Bank : Axis Bank Limited

Branch : Worli, Mumbai (M.H.), Mumbai - 400 025

IFSC Code: UTIB00000060

13. This Criminal Application is allowed in the above-said
terms.

(ASHWIN D. BHOBE, J.)