

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

WRIT PETITION NO. 390 OF 2026

Deepak Purshottam Makhija & Ors. ... Petitioners

V/s.

The State of Maharashtra & Anr. ... Respondents

Ms. Pradnya Sonawane a/w Ms. Kirti Kataria Advocate for
Petitioner No. 1 to 4.

Ms. Priyanka Pardeshi, Advocate for Respondent No.2.

Mr. Sukanta Karmakar, APP for Respondent No. 1 – State.

Mr. S. B. Bamane – API, Khadakpada Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATE : 30th JANUARY, 2026.

P.C. :

1. This Petition filed under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is preferred against the FIR bearing C. R. No. 0641 of 2025 registered at Khadakpada Police Station for the offences under Sections 85, 79, 316(2), 115(2), 352, 351(2), 3(5) of BNS Act, 2023.

2. Petitioner Nos. 1 to 3 are present in Court and are identified by their Advocate Ms. Pradnya Sonawane. She states that the Petitioner No. 4 appears through V.C. She identifies the Respondent No. 4 who appears through V.C. Ms. Pradnya Sonawane tenders photo identity cards of the Petitioners, same are taken on record and marked '**X-colly**' for identification.

3. Respondent No. 2 is present in Court along with her Advocate Ms. Priyanka Pardeshi.

4. Ms. Pradnya Sonawane and Ms. Priyanka Pardeshi, jointly submit that the matrimonial discord between the Petitioners and Respondent No. 2 is amicably resolved. They submit that the Petitioner No. 1 (husband) and Respondent No. 2 (wife) have filed a Divorce Petition No. 2187 of 2025 under Section 13 (B) of the Hindu Marriage Act 1955, which is pending before the Civil Judge, Senior Division Court, Kalyan. They submit that Respondent No. 2 has no objection for quashing of the impugned FIR.

5. Ms. Priyanka Pardeshi tenders the no objection

affidavit affirmed by Respondent No. 2 before Notary V. P. Singh on 22nd January, 2026 along with her photo identity card, same are taken on record and marked as '**X-1**' for identification. Respondent No. 2 (Mrs. Darshana Deepak Makhija @ Darshana Suresh Khandelwal) states that the affidavit (**'X-1'**) is filed out of her own free will and without any pressure or coercion from any person. She reiterates her no objection for quashing of the criminal proceedings commenced on the basis of her complaint.

6. Mr. Sukanta Karmakar, learned APP for the State, submits that no purpose would now be served in continuing with the proceedings in view of the statements made by Respondent No. 2 before this Court has also the affidavit '**X-1**'. However, he submits that the criminal proceedings were initiated by Respondent No. 2 to settle a matrimonial discord, as such insists for imposition of costs.

7. Ms. Pradnya Sonawane and Ms. Priyanka Pardeshi, on instructions from the Petitioners and Respondent No. 2, state that they shall jointly pay costs of Rs. 30,000/-.

8. Considering the statements made by Respondent No. 2 in the affidavits marked as 'X-1', the nature of dispute between the parties, the no objection of Respondent No. 2 to quash the criminal proceedings and having regard to the pronouncement of the Hon'ble Supreme Court in the case of *Gian Singh V. State of Punjab*¹, *Parbatbhai Aahir Alias Prabatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat Anr*², *Narinder Singh & Ors. Vs. State of Punjab & Anr.*³ there is no impediment in allowing this petition.

9. In view of the above and subject to payment of costs, the Petition is allowed. Consequently, the impugned FIR bearing C. R. No. 0641 of 2025 registered at Khadakpada Police Station is quashed.

10. Petitioners and Respondent No. 2 shall deposit Rs. 30,000/- within two weeks from today, in the below mentioned bank account and furnish proof of deposit in the Registry of this Court :-

1 (2012) 10 SCC 303

2 (2017) 9 SCC 641

3 (2014) 6 SCC 466

Central Police Welfare Fund

Account No: 914010029005759

Bank : Axis Bank Limited

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

IFSC Code: UTIB0000060

11. List this Petition on 23rd February, 2026 'for compliance' on deposit of costs.

(ASHWIN D. BHOBE, J.)