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

CRIMINAL WRIT PETITION NO.1054 OF 2026

Kunal Ashok Kanwale And Ors : Petitioners
Versus
The State of Maharashtra and anr. : Respondents.

Mr. Susmit Phatale i/by Adv. Somnath Kale for the Petitioners.
Mr. Sukanta Karmakar, APP for the Respondent/State.
Ms. Smita Amodkar for the Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 10 MARCH 2026

PC:-

1. Heard Mr. Susmit Phatale, learned Advocate for the Petitioners, Mr. Sukanta Karmakar, learned APP for the Respondent/State and Ms. Smita Amodkar, 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 C.R.No.215 of 2023 dated 08 August 2023 registered with Badalapur Police Station, Thane for the offences punishable under Sections 498A, 323, 504 and 506 of the Indian Penal Code (Impugned FIR).

3. Petitioners are present in the Court and are identified by their Advocate Mr. Susmit Phatale. He tenders the Photostat copies of three Identity Cards of the 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 Ms Smita Amodkar. She tenders the Photostat copy of Identity Card of Respondent No.2, which is taken on record and marked as **“X-1”** for identification.

5. Ms. Smita Ambodkar states that the Affidavit dated 09 March 2026 affirmed by Respondent No.2 before the Notary Adv. Sangeeta Pandurang Naik, Badlapur (E) Thane is placed on record, the same is marked as **“X-2”** for identification.

6. 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.

7. Mr. Susmit Phatale and Ms. Smita Ambodkar submit that the matrimonial discord between the Petitioner No.1 (husband) and the Respondent No.2 (2) wife is amicably resolved. They submit that Respondent No.2 has given no objection for quashing of the criminal proceedings against the Petitioners.

8. Mr. Sukanta Karmakar, learned APP for the Respondent/State submits that the matrimonial dispute between the Petitioner No.1 and the Respondent No.2 being resolved and having regard to the statements made by the Respondent No.2 in her Affidavit (X-2) and giving her no objection for quashing the criminal proceedings, he has no objection for quashing the criminal proceedings, however, he insists for imposition of costs.

9. Mr. Susmit Phatale and Ms. Smita Amodkar, on instructions, submit that the Petitioners and Respondent No.2 shall deposit appropriate costs.

10. Considering the above said facts and the submissions made by the learned Advocates for the parties, the dispute being in the nature of a matrimonial disharmony between the Petitioner No.1 (husband) and the Respondent No.2 (wife), the statement made by the Respondent No.2 in her Affidavit (X-2), no useful purpose will be served by allowing the criminal prosecution to continue. 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, *Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat*³, there is no impediment in allowing this Writ Petition.

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

11. In view of the above, Criminal Writ Petition No.1054 of 2026 is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25,000/- by the Petitioners and Rs.25,000/- by the Respondent No.2. Payment of costs is a condition precedent. Consequently, the impugned FIR is quashed.

12. The Petitioners and the Respondent No.2 shall deposit their respective the costs 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 30 March 2026.

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

13. The Writ Petition No.1054 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)