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

CRIMINAL WRIT PETITION NO.1304 OF 2026

Mayur Ramesh Kate & ors. : Petitioners

Versus.

Neelam Mayur Kate & Anr. : Respondents.

Mr. Abulfazl Mehdi Rezwani for the Petitioners.
Mr. Vinay P Khobragade for the Respondent No.1
Mr. Tanveer Khan, APP for the Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATED : 16 MARCH 2026

PC:-

1. Heard Mr. Abulfazl Mehdi Rezwani, learned Advocate for the Petitioners, Mr. Vinay Khobragade for the Respondent No.1 and Mr. Tanveer Khan, learned APP for the Respondent/State.

2. This petition under Article 226 of the Constitution of India and Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023, is filed by the Petitioners to quash the FIR bearing No. 650 of 2022, dated 04 June 2022 (impugned FIR), registered with MHB Police Station for offences

punishable under Sections 498A, 313, 406, 504, 506 r/w 34 of the Indian Penal Code, and Sections 4 and 5 of the Dowry Prohibition Act. It also seeks to quash the charge sheet registered as Sessions Case No. 13 of 2024, pending before the 9th City Sessions Court, Dinoshi, Borivali Division, Mumbai, arising from the impugned FIR.

3. The Petitioner No.1 is present in court physically, and Petitioner Nos. 2, 3, and 4 appear via video conference and are identified by their Advocate Mr. Abulfazl Mehdi Rezwani. He submits the Photostat copies of the Petitioners' Identity Cards, which are taken on record and marked as "X-Colly" for identification.

4. Respondent No.1 is present in the Court and is identified by her Advocate Mr. Vinay Khobragade. He submits a Photostat copy of Respondent No.1's Identity Card, which is taken on record and marked as "X-1" for identification.

5. Mr Vinay Khobragade tenders a photostat copy of the Affidavit dated 05 February 2026, affirmed by Respondent No.1 before the Notary Jagdish Tryambakrao Dongardive, same is marked as "X-2" for identification. Mr Vinay Khobragade states that the original Affidavit has been filed with the Registry of this Court. Statement accepted.

6. Respondent No. 1 states that the said Affidavit (X-2) is filed 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 to the quashing of the criminal proceedings.

7. Mr. Abulfazl Mehdi Rezwani and Mr. Vinay Khobragade submit that the subject matter of the impugned FIR was a matrimonial dispute between Petitioner No.1 (husband) and Respondent No.1 (wife). They state that Petitioner No.1 and Respondent No.1 have amicably resolved the matrimonial dispute and have filed proceedings for divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955, registered as Petition No. F-1881/2025, which is pending before the 2nd Family Court, Bandra, Mumbai. They further submit that, considering the decision by Petitioner No.1 and Respondent No.1 to separate and part ways, Respondent No.1 has no objection to the quashing of the criminal proceedings against the Petitioners.

8. Mr. Tanveer Khan, learned APP for the Respondent/State, submits that, in light of the resolution of the matrimonial dispute and the decision of Petitioner No.1 and Respondent No.1 to separate through mutual consent divorce, the Respondent No.1 giving her no objection in the Affidavit (X-2) and expressed no objection to quashing the criminal proceedings. He has no objection to quashing the criminal proceedings but insists on the imposition of costs.

9. Considering the above-mentioned facts, the submissions of the learned Advocates for the parties, the nature of the dispute being matrimonial, and the matter being resolved

between Petitioner No.1 (husband) and Respondent No.1 (wife), the statements made by Respondent No.1 in the Affidavit (X-2), no useful purpose will be served by allowing the criminal prosecution to continue. Having regard to the pronouncements of the Hon'ble Supreme Court in *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 to allowing this Petition.

10. Mr. Abulfazl Mehdi Rezwani and Mr. Vinay Khobragad, on instructions, submit that the Petitioners and Respondent No.1 shall deposit appropriate costs.

11. In view of the above, Criminal Writ Petition No.1304 of 2026 is allowed as per prayer clause (a), subject to payment of costs of Rs. 75000 (i.e., Rs. 50000 by the Petitioners and Rs. 25000 by Respondent No.1) as a condition precedent. Consequently, the impugned FIR and the Chargesheet stemming from the impugned FIR are quashed.

12. The Petitioners and Respondent No.1 shall deposit their respective costs into the accounts mentioned below within two weeks from today and submit in the Court Registry the compliance affidavit along with proof of deposit on or before 02 April 2026.

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

a] The Petitioners shall deposit the amount of Rs.50000/- 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.1 shall deposit the amount of
Rs.25000/- in :-

Central Police Welfare Fund

Director General MS Mumbai

Account No: 914010029005759

Bank : Axis Bank Limited

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

IFSC Code: UTIB0000060

13. The Writ Petition No.1304 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)