

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2589 OF 2025

Sudai Mani Perumal and Ors ... Petitioners

Versus.

State of Maharashtra and Anr ... Respondents

Mr. Murugaseelan Perumal a/w Ms. Shweta Kannan, Advocate for the
Petitioners.

Mr. Enait Shaikh i/b Adv. K. T. Thomas, Advocate for Respondent No.2.

Mrs. Rajeshree Newton, learned APP for Respondent No.1-State.

WPSI Kamal Thakare, Vithalwadi Police Station, Thane, is present.

CORAM : ASHWIN D. BHOBE, J.

DATED : 8th April 2026

P.C.:

1. Heard Mr. Murugaseelan Perumal, learned Advocate for the
Petitioners, Mrs. Rajeshree Newton, learned APP for Respondent No.1-
State and Mr. Enait Shaikh, learned Advocate for Respondent No.2.

2. This Petition under Article 226 of the Constitution of India and
under Section 528 of the Bharatiya Nagarik Suraksha Sanhita,
2023, is preferred by the Petitioners for quashing the FIR No. 343 of
2024 dated 30.05.2024, registered with Vitthalwadi Police Station
(impugned FIR), for offences punishable under Sections 506, 504, 498-

A, 342, 323, r/w. 34 of the Indian Penal Code or Cr.P.C. and the charge-sheet bearing R.C.C. No. 1639 of 2024.

3. Mr. Murugaseelan Perumal, learned Advocate for the Petitioners and Mr. Enait Shaikh, learned Advocate for Respondent No.2, submit that the subject matter of the present Petition is a matrimonial dispute between Petitioner No.1 (Husband) and Respondent No.2 (Wife). They submit that, in view of the matrimonial disharmony between Petitioner No.1 and Respondent No.2, Respondent No.2 filed a complaint with the police, making allegations against Petitioner No. 1 , father-in-law, mother-in-law and the brother-in-law. They submit that Petitioner No.1 and Respondent No.2 have amicably resolved the matrimonial dispute. They submit that Petitioner No.1 and Respondent No.2 have filed Petition No. A-52 of 2024 before the Family Court at Bandra, Mumbai, seeking divorce by Mutual Consent under Section 13(b) of the Hindu Marriage Act, 1955, which is pending before the Family Court at Bandra. They submit that, in view of the settlement between Petitioner No.1 and Respondent No.2, Respondent No.2 has given no objection to the quashing of the impugned FIR and the charge-sheet arising out of the impugned FIR, as stated by her in her Affidavit dated 03.04.2026. They therefore request the quashing of the impugned FIR and the charge-sheet arising out of it.

4. The Petitioners are present in court and are identified by their Advocate Mr. Murugaseelan Perumal. He tenders photostat copies of the Petitioners' Identity Cards, which are taken on record and marked with **"X-Colly"** for identification.

5. Respondent No.2 is present in the Court and is identified by her Advocate Mr. Enait Shaikh. He tenders a photostat copy of Respondent No.2's Identity Card, which is taken on record and marked with **"X-1"** for identification.

6. Mr. Enait Shaikh, learned Advocate for Respondent No.2, states that the Affidavit dated 03.04.2026, affirmed by Respondent No.2 before Notary K C Dwivedi, is placed on record and the same is marked as **"X-2"** for identification.

7. Respondent No. 2 states that the impugned FIR was filed by her on account of the matrimonial dispute with Petitioner No. 1. She states that since she and Petitioner No. 1 have decided to put an end to their marriage and have consequently filed divorce proceedings under Section 13(b) of the Hindu Marriage Act, 1955, the entire issue is now being settled. Respondent No. 2 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 therefore does not intend to continue with the criminal

proceedings and as such, gives her no objection in Affidavit (X-2). She reiterates her no objection to the quashing of the criminal proceedings. She refers to Paragraph Nos. 4, 5 and 6 of the Affidavit, which are transcribed verbatim:-

“4. I say that the Petitioner No.1, Mr. Sudai Mani Perumal, my husband have filed a divorce Petition against me bearing No.1-52 of 2024, before the Hon’ble Family Court at Bandra, Mumbai in which with the indulgence of well wishers and elderly persons a compromise is arrived between me and the Petitioner No.1 herein and have filed a consent terms before the Counselor therein. (Hereto annexed and marked as Exhibit- “A” is the copy of consent terms.)

5. I say that in view of the said consent terms which is drawn without any duress, coercion or pressure, I have no objection for dropping / quashing of the FIR No.343 of 2024 registered on 30/05/2024 against all the Petitioners herein by Vitthalwadi Police Station, for the offences punishable U/s. 506, 504, 498-A, 342, 323, r/w 34 of the Indian Penal Code, 1860 and also the Charge Sheet in R.C.C. No.1639/2024 filed on 09/12/2024 pending before the Learned Judicial Magistrate First Class, Ulhasnagar.

6. I say that I am filing this Affidavit consenting that I have No Objection if the FIR No.343 of 2024 registered on 30/05/2024 against all the Petitioners herein charging for the offence punishable U/s. 506, 504, 498-A, 342, 323, r/w. 34 of the Indian Penal Code, 1860 and Charge Sheet in R.C.C. No.1639/2024 filed on 09/12/2024 pending before the Learned Judicial Magistrate First Class, Ulhasnagar, be quashed”.

8. Mr. Murugaseelan Perumal and Mr. Enait Shaikh, state that in support of their Petition No. A-52 of 2024 for divorce by mutual consent, the Petitioner No.1 and the Respondent No.2 have filed

Consent Terms dated 27.03.2026 in the said Petition. They tender a photostat copy of the Consent Terms dated 27.03.2026, which is taken on record and marked with “X-3” for identification .

9. Mrs. Rajeshree Newton, learned APP for the State, submits that as the matrimonial dispute between Petitioner No.1 and Respondent No.2 has been amicably resolved and both Petitioner No.1 and Respondent No.2 have applied for divorce by mutual consent, she does not object to the quashing of the impugned FIR and the charge-sheet arising out of it. However, she submits that the matrimonial dispute was cloaked in criminality and the police machinery was set in motion. She, therefore, insists on the imposition of exemplary costs on the parties.

10. Mr. Murugaseelan Perumal and Mr. Enait Shaikh, on instructions from the Petitioners and the Respondent No.2, state that appropriate costs would be paid.

11. Considering the facts mentioned above, the submissions of the learned Advocates for the parties, the nature of the dispute being a matrimonial dispute, the matter being amicably settled between the Petitioner No.1 (Husband) and the Respondent No.2 (Wife), the statements made by the Respondent No.2 before this Court and in the Affidavit (X-2), the no objection given by Respondent No.2 in her Affidavit (X-2), as also the mutual settlement disclosed by the parties in

consent terms (X-3), 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 in allowing this Petition.

12. In view of the above, this Petition is allowed in terms of prayer clause (A), subject to payment of costs of Rs. 10,000/- by each of the Petitioners and Rs. 10,000/- by Respondent No. 2. Payment of costs is a condition precedent. Consequently, the impugned FIR and the charge sheet arising therefrom are quashed.

13. The Petitioners and Respondent No. 2 shall deposit their respective costs in the Bank Account mentioned below within three (3) weeks from today and file the compliance Affidavit along with proof of deposit, with the Registry of this Court on or before 2nd May 2026.

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14. The Writ Petition No.2589 of 2025 is disposed of.

(ASHWIN D. BHOBE, J.)