

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

CRIMINAL WRIT PETITION NO.3295 OF 2025

Anil Tholia and anr. : Petitioners.
Versus
Riddhi Tholia and anr. : Respondents.

**WITH
CRIMINAL WRIT PETITION NO.1958 OF 2026**

Ashish Tholia : Petitioner
Versus
Riddhi Tholia and anr. : Respondents.

Ms Sushmita Sherigar a/w Adv. K Barot for the Petitioners in both the Petitions.
Mr. Prashant Parsurampururia a/w Advocates Aalam Parsurampururia and Kejeshri Thakar for Respondent No.1.
Mr. Sukanta Karmakar, APP for the Respondent/State in WP No.3295/2025.
Mrs. P P Bhosale, APP for the Respondent/State in WP No.1958/2026.
API Vinod Vasave, Worli Police Station present.

CORAM : ASHWIN D. BHOBE, J.

DATED : 04 MAY 2026

PC:-

1. These Petitions are at Sr. Nos. 134 and 135 on today's daily board. At the request of Ms. Shushmita Sherigar, learned

Advocate for the Petitioners and Mr. Prashant Parsurampuria, learned Advocate for Respondent No. 1, these Petitions are taken up out of turn. They submit that the subject matter of both these Petitions is FIR No. 283 of 2023. At their request and by consent of the learned APPs for the Respondent/State, these Petitions are taken up together.

2. Heard Ms. Sushmita Sherigar, learned Advocate for the Petitioners, Mr. Sukanta Karmakar and Mrs. P. P. Bhosale, learned APPs for the Respondent-State and Mr. Prashant Parsurampuria, learned Advocate for Respondent No.1.

3. These Petitions under Article 226 of the Constitution of India and under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, are preferred by the Petitioners for quashing the FIR bearing 283 of 2023 dated 01 May 2023, registered with Worli Police Station (impugned FIR), for offences punishable under Sections 406, 420, 465, 468, 471, 341, 498A, 120B, 323, 504, 34 of the Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act, 1961.

4. Ms. Sushmita Sherigar, learned Advocate for the Petitioners and Mr. Prashant Parsurampuria, learned Advocate for Respondent No.1, submit that the subject matter of the impugned FIR is the matrimonial dispute between the Petitioner {Ashis Tholia} (husband) and Respondent No.1 (wife). They submit that the matrimonial dispute between the parties has been amicably resolved. They further submit that the Petitioners and Respondent No.1 arrived at an amicable

settlement before this Court in ABA No. 1953 of 2025, wherein they filed Consent Terms dated 21st August 2025. They submit that, in view of the settlement, Respondent No.1 is not interested in pursuing the criminal proceedings against the Petitioners and has given her no objection in the Affidavit dated 4th May 2026 filed in Writ Petition No.3295 and in the Affidavit dated 4th May 2026 filed in Writ Petition No.1958 of 2026, independently. They therefore request the quashing of the impugned FIR.

5. Petitioners in Writ Petition No.1958 of 2026 appear through V.C. Petitioner {Ashis Tholia} in Writ Petition No.3295 of 2025 is present in Court. All the Petitioners are identified by their Advocate, Ms. Sushmita Sherigar. She tenders the photostat copies of the identity cards of the Petitioners (Writ Petition No.1958 of 2026) and the Petitioner (Writ Petition No.3295 of 2025), which are taken on record and marked as “X-Colly” and “X” respectively for identification.

6. Respondent No.1 is present in the Court and is identified by her Advocate Mr. Prashant Parsurampuria. He tenders the Photostat copy of Respondent No.1’s Identity Card in both Writ Petitions, which is taken on record and marked as “X-1” for identification in both these Petitions.

7. Mr. Prashant Parsurampuria, learned Advocate for Respondent No.1, states that Respondent No.1 has affirmed two independent Affidavits, both dated 4th May 2026, before the Notary S. N. Dhange. The Affidavits filed independently by

Respondent No.1 in both the Petitions are placed on record and marked with “X-2” for identification.

8. Respondent No.1 states that the matrimonial dispute she had with the Petitioners has been amicably resolved and she is not interested in pursuing the criminal proceeding filed by her. She reiterates that the settlement arrived at between them before this Court in ABA No. 1953 of 2023, wherein consent terms dated 21st August 2025 were filed. She submits that the consent terms have been acted upon. She, therefore, states that she has given her no objection in her Affidavits (X-2) filed in both these Petitions. She, therefore, requests the quashing of the impugned FIR.

9. Mr. Sukanta Karmakar and Mrs. P. P. Bhosale, learned APPs appearing for the Respondent/State in both these Petitions, submit that the matrimonial dispute between the Petitioners and the Respondent No.1 having been amicably resolved, the Respondent No.2 - State does not object to the quashing of the impugned FIR, especially since the consent terms were agreed to and filed before this Court in ABA No.1953 of 2026. However, they submit that the matrimonial dispute was taken to the Police when it was not required, as such, they insist on imposing costs on the Petitioners and the Respondent No.1.

10. Ms. Sushmita Sherigar, learned Advocate for the Petitioners and Mr. Prashant Parsurampur, Respondent No.1, on instructions, submit that appropriate costs would be paid.

11. Considering the facts mentioned above, the submissions made by the learned Advocates for the parties, the matrimonial dispute between the Petitioners and Respondent No.1 having been resolved, the Petitioners and Respondent No.1 having filed the consent terms before this Court in ABA No.1953 of 2025 and the no objection by the Respondent No.1 in her Affidavits (X-2) for quashing of the impugned FIR, no useful purpose will be served by allowing the criminal prosecution to continue.

12. 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.

13. In view of the above, both Petitions are allowed in terms of prayer clause (a), subject to payment of costs by the Petitioners and Respondent No.1 in the Accounts mentioned below within three weeks from today and to filing the compliance affidavit along with proof of deposit in the Registry of this Court on or before 12TH June 2026. Payment of costs is a condition precedent. Consequently, the impugned FIR is quashed.

14. The costs to be deposited in the following manner :-

¹ 2012 10 SCC 303
² 2014 6 SCC 466
³ 2017 9 SCC 641

A] **Writ Petition No.3295 of 2025**

(i) Petitioners shall jointly deposit the amount of Rs.50,000/- in :-

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID00000001

And

(ii) Respondent No.1 shall deposit the amount of Rs.50,000/- 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: UTIB00000060

B] **Writ Petition No.1958 of 2026**

(i) Petitioner shall deposit the amount of Rs.50,000/- in :-

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID00000001

And

(ii) Respondent No.1 shall deposit the amount of Rs.50,000/- 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

15. The Writ Petition No. 3295 of 2025 and Writ Petition No.1958 of 2026 are disposed of.

(ASHWIN D. BHOBE, J.)