

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3636 OF 2025

Mr. Vivek Vitthal Soman

...Petitioner

Versus

The State of Maharashtra And Anr.

...Respondents

Mr. Suchit Chaudhary (Through VC) a/w Mr. Pritam Aherkar, learned Advocates for the Petitioner.

Petitioner is present in the Court.

Mr. Prasanna P. Malshe, learned A.P.P. for the State/Respondent.

Respondent No. 2 is present in the Court.

Mr. Shantanu H. Katkar, learned Advocate for Respondent No. 2.

CORAM : ASHWIN D. BHOBE, J.

DATE : 17th JANUARY 2026.

P.C. :

1. Heard Mr. Suchit Chaudhary, learned Advocate for the Petitioner, Mr. Prasanna Malshe, learned A.P.P. for the State/Respondent and Mr. Shantanu Katkar, learned Advocate for Respondent No. 2.

2. By the present Petition, the Petitioner has sought for the following substantive relief in terms of prayer clause 10(a) :-

“a. that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order and/or direction in the nature of Mandamus thereby calling for the records and proceedings concerning FIR No. 334 of 2023 registered by the Respondent No. 2 for alleged offences punishable under Sections 322, 498A & 504 of the Indian

Penal Code, 1860 and after examining the legality, validity and propriety of the impugned F.I.R., be further pleased to quash and set aside the FIR bearing No. 334 of 2023 registered with Bharti Vidyapeeth Police Station.”

3. Respondent No. 2 is present in the Court along with her Advocate Mr. Shantanu Katkar. Mr. Shantanu Katkar submits that the matrimonial discord between the Petitioner and Respondent No. 2 is resolved. He tenders Affidavit dated 17.01.2026 of Respondent No. 2 executed before the Notary Advocate S. N. Dhanage, Mumbai. Same is taken on record and marked as “X” for identification. Respondent No. 2 states that the Affidavit (X) has been filed by her out of her own free will and without any pressure or coercion from any person. She states that the contents of paragraph Nos. 1 to 16 of the Affidavit (X) are as per her say. She states that she has resolved the issue amicably with the Petitioner and decided to file proceeding for seeking divorce. She states that considering the subsequent events and the matrimonial dispute being resolved, she does not intend to pursue/prosecute the criminal proceedings.

4. Petitioner, who is present in the Court states that the matrimonial dispute with Respondent No. 2 is amicably resolved and he and Respondent No. 2 have decided to obtain divorce by consent.

5. Mr. Prasanna Malshe, learned A.P.P. for the State/Respondent submits that in view of the statements made by Respondent No. 2 before this Court and her statements in the Affidavit (X), no purpose would be served by continuing with the criminal

proceedings. He therefore submits that the impugned FIR and the criminal proceedings can be quashed on the basis of statement made by Respondent No. 2 in the Affidavit (X).

6. Considering the facts as placed before me, the nature of dispute, the settlement arrived between the parties, the statements made on oath by Respondent No. 2 (Affidavit at X) and guided by the decision of the Hon'ble Supreme Court in the case of ***Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.***¹, to secure ends of justice I deem it fit and proper to exercise powers under Section 528 of the BNSS to quash the criminal proceedings.

7. Petition is therefore allowed in terms of prayer clause (a). Consequently First Information Report No. 334 of 2023 dated 30.05.2023 registered with Bharati Vidyapeeth Police Station, Pune City for the offence punishable under Sections 498-A, 323 & 504 of the Indian Penal Code, 1860 and the charge-sheet bearing Regular Criminal Complaint No. 2952/2023 pending before the Judicial Magistrate First Class at Pune, are quashed. Criminal proceedings against the Petitioner arising out of the said FIR and charge-sheet are closed.

8. Criminal Writ Petition No. 3636 of 2025 is disposed of. No order as to costs.

[ASHWIN D. BHOBE, J.]

GITALAXMI
KRISHNA
KOTAWADEKAR

1 (2017) 9 SCC 641.