

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3974 OF 2025**

Kundlik Maruti Sakure

... Petitioner

Versus.

The State of Maharashtra and Anr.

... Respondents

Mr. R. R. Mishra, for the Petitioner.

Ms. Manali Prajapati, for the Respondent No. 2

Ms. Pallavi Dabholkar, APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 30th March, 2026.

P.C. :

1. Heard Mr. R. R. Mishra, learned Advocate for the Petitioner, Ms. Pallavi Dabholkar, learned APP for the Respondent – State and Ms. Manali Prajapati, learned Advocate for the Respondent No. 2.

2. At the outset, Mr. R. R. Mishra, learned Advocate for the Petitioner, submits that during the pendency of the Petition, a chargesheet was filed. He therefore seeks leave to amend the prayer clause of the Petition to include a prayer regarding the chargesheet. The request made by Mr. Mishra is not objected to by Ms. Pallavi Dabholkar, learned APP, or Ms. Manali Prajapati, learned Advocate for the Respondent No. 2. In view of the no

objection, leave is granted to amend the prayer clause. Mr. Mishra, states that the amendment will be carried out forthwith. Permission is granted.

3. This petition under Article 226 of the Constitution of India and 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is filed by the Petitioner seeking to quash FIR No. 82 of 2025, dated 27.03.2025, registered with Kalachowki Police Station (impugned FIR) for an offence punishable under Section 75 of the Bharatiya Nyaya Sanhita, 2023 and the chargesheet registered as Case No. 2067/PS/25 pending before the 15th Judicial Magistrate First Class, Mazgaon, Mumbai.

4. Mr. R. R. Mishra and Ms. Manali Prajapati, learned Advocates, submit that a matrimonial dispute between Respondent No. 2 (wife) and Avinash Kundlik Sakure (husband) was the cause for Respondent No. 2 to lodge the impugned FIR. They submit that it was out of anger towards Avinash Kundlik Sakure that Respondent No. 2 implicated her Petitioner (father-in-law) in the offence. They submit that the dispute between Respondent No. 2 and Avinash Kundlik Sakure has been amicably and finally

resolved before the Family Court at Mumbai through divorce proceedings filed under Section 13(b) of the Hindu Marriage Act, 1955. They submit that by order dated 26.05.2025, the Family Court has granted divorce by mutual consent to Avinash Kundlik Sakure and Respondent No. 2. They submit that in the consent terms filed by Respondent No. 2 and Avinash Kundlik Sakure, paragraph No. 4, Respondent No. 2 agreed to give her no objection for the quashing of the impugned FIR against the Petitioner. They submit that the decree of the Family Court in Petition No. A-950 of 2022, recording these terms, including the no-objection for quashing criminal proceedings, is at Exhibit “B” (page Nos. 14 to 21 of the Petition paper book). They submit that Respondent No. 2 does not wish to continue with the criminal proceedings against the Petitioner. Therefore, they request that the impugned FIR and chargesheet be quashed.

5. The Petitioner is present in court and is identified by his Advocate Mr. R. R. Mishra. He tenders a photocopy of the Petitioner’s identity card, which is taken on record and marked “X” for identification.

6. Respondent No. 2 is present in Court and is identified by her Advocate Ms. Manali Prajapati. She submits a photocopy of Respondent No. 2's identity card, which is taken on record and marked as **"X-1"** for identification.

7. Ms. Manali Prajapati states that the Affidavit dated 23.09.2025, affirmed by the Respondent No. 2, before the Notary Harjit Singh Anand, is placed on record and the same is marked as **"X-2"** for identification.

8. Respondent No. 2 states that the Affidavit (X-2) is filed of her own free will and without any pressure or coercion from anyone. She states that it was due to anger and anguish towards her husband (Avinash Kundlik Sakure) that she filed the impugned FIR against her father-in-law. She states that she considers and treats and respects the Petitioner (father-in-law) as her father. She states that the Petitioner regards her as a daughter. She refers to paragraph Nos. 1, 2, 3 and 4 of her Affidavit (X-2) as well as the consent terms filed in Petition No. A-950 of 2022 (at page Nos. 14 to 21 of the petition paper book). She states that she does not wish to continue the criminal proceedings and therefore, she requests

that the criminal proceedings be quashed.

9. Ms. Pallavi Dabholkar, learned APP for the State, submits that Respondent No. 2 has used the police machinery to settle a matrimonial dispute with her husband. She, however, submits that in view of the settlement by Respondent No. 2 and her husband before the Family Court at Mumbai in Petition No. A-950 of 2022 and her statements in the Affidavit (X-2), she has no objection to the quashing of the impugned FIR and the criminal proceedings against the Petitioner. However, she insists on the imposition of exemplary costs on the Petitioner as well as Respondent No. 2.

10. Mr. R. R. Mishra and Ms. Manali Prajapati, learned Advocates on instructions from the Petitioner and Respondent No. 2, submit that the appropriate costs will be paid.

11. Considering the facts mentioned above, the submissions of the learned Advocates, the matter between the Petitioner and Respondent No. 2 being amicably resolved, the proceedings (Petition No. A-950 of 2022) filed by Respondent No. 2 to end her matrimonial disharmony with her husband (Avinash Kundlik

Sakure) being decreed by the Family Court on 26.05.2025, the statement made by Respondent No. 2 that she does not want to continue with the criminal proceedings and her no objection in the Affidavit (X-2), no useful purpose would be served by continuing with the criminal proceedings. Having regard 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 and *Parbatbhai Aahir @ Parbatbhai vs The State of Gujarat*³, there is no impediment in allowing this Petition.

12. In view of the above, Writ Petition No. 3974 of 2025 is allowed in terms of prayer clause (a), subject to payment of Rs. 25,000/- each by the Petitioner and the Respondent No.2. Payment of costs is a condition precedent. Consequently, the impugned FIR and chargesheet arising out of the impugned FIR are quashed.

13. The Applicant shall deposit Rs. 25,000/- into the account mentioned below within three (3) weeks from today.

1 2012 10 SCC 303

2 2014 6 SCC 466

3 2017 9 SCC 641
Arjun

Central Police Welfare Fund	
Director General M. S. Mumbai.	
Account No. :	914010029005759
Bank:	Axis Bank Limited
Branch:	Worli, Mumbai (M.H.), Mumbai - 400 025
IFSC Code:	UTIB0000060

14. The Respondent No. 2 shall deposit the cost of Rs. 25,000/- in the account mentioned below, within a period of three (3) weeks from today.

The High Court Employees Medical Welfare Fund at Mumbai	
Account No. :	000120110001337
Bank:	Bank of India
Branch:	Mumbai Main
IFSC Code:	BKID0000001

15. The compliance affidavit, along with the proof of deposit, shall be filed by the Applicant and the Respondent No. 2 in the Registry of this Court on or before 30.04.2026.

16. Writ Petition No. 3974 of 2025 is disposed of.

(ASHWIN D. BHOBE, J.)

Digitally
signed by
ARJUN
KRISHNA
RODGE
Date:
2026.04.08
21:28:50
+05:30