

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

WRIT PETITION NO. 4226 OF 2025

Mr. Shivratn Deendayal Suthar

...Petitioner

Versus

The State of Maharashtra And Anr.

...Respondents

Mr. Vishnu Wani i/b Ms. Nirjala Mishra, learned Advocate for the Petitioner.

Petitioner is appearing through VC.

Mr. Tanveer G. Khan, learned A.P.P. for the State/Respondent.

Mr. Prasad Jangam, learned Advocate for Respondent No. 2.

Respondent No. 2 is present in the Court.

PSI Mr. Dhanawade attached to Navghar Police Station, Bhayander, Thane is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 6th FEBRUARY 2026.

P.C. :

1. Heard Mr. Vishnu Wani, learned Advocate for the Petitioner, Mr. Tanveer Khan, learned A.P.P. for the State/Respondent and Mr. Prasad Jangam, 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 Petitioner for quashing of the First Information Report bearing No. 618 of 2024 dated 08.11.2024 registered with Navghar Police Station, District-Mira-Bhayander, Vasai-Virar for the offences punishable under Sections 64(1), 352 & 351(2) of the Bharatiya Nyaya Sanhita, 2023 and the subsequent

charge-sheet bearing No. 33 of 2025 dated 10.02.2025 registered as Regular Criminal Case No. 7446 of 2025 pending before the Additional Sessions Judge, Thane, arising out of the said FIR.

3. Petitioner appears through Video Conference. Mr. Vishnu Wani, learned Advocate for the Petitioner identifies Petitioner and tenders the photostat copy of his Aadhar Card as identity proof. Same is taken on record and marked as “X” for identification. Respondent No. 2 is present along with her Advocate Mr. Prasad Jangam. Mr. Prasad Jangam tenders photostat copy of the Aadhar Card of Respondent No. 2 as identity proof. Same is taken on record and marked as “X-1” for identification.

4. Mr. Vishnu Wani and Mr. Prasad Jangam jointly submit that the Petitioner and Respondent No. 2 have resolved their matrimonial discord and therefore, Respondent No. 2 has given No Objection for quashing of the criminal proceedings. They therefore submit that the criminal proceedings against the Petitioner be quashed.

5. Mr. Prasad Jangam, learned Advocate for Respondent No. 2 has tendered the Affidavit dated 04.08.2025 affirmed by Respondent No. 2 before the Notary Advocate S. N. Dhange, Mumbai at page no. 137 of the paper-book. Same is taken on record and marked as “X-2” for identification. Respondent No. 2 states that she has filed the Affidavit (X-2) out of her own free will and without any pressure, force or coercion from any person. She states that the contents of Affidavit (X-2) are as per her say. She reiterates that she gives No Objection for quashing of the criminal

proceedings.

6. Mr. Tanveer Khan, learned A.P.P. for the State/Respondent submits that in view of the statements made by Respondent No. 2 in the Affidavit (X-2), the impugned FIR and the subsequent charge-sheet can be quashed. He however insists for imposition of cost on the parties.

7. Mr. Prasad Jangam, learned Advocate on instructions from Respondent No. 2, who is present in the Court, states that appropriate amount would be paid as costs.

8. Having regards to the facts as placed before me, the nature of dispute, the amicable settlement arrived between the parties, the statements made on oath by Respondent No. 2 (Affidavit dated 04.08.2025 at X-2) and having regards to the judicial pronouncements by the Hon'ble Supreme Court in the cases of *Gian Singh v/s. The State of Punjab and Another*¹, *Narinder Singh and Others v/s. State of Punjab and Another*², *Sandeep Singh Thakur v/s. The State of Madhya Pradesh and Anr.*³ and *Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.*⁴, there is no impediment in allowing this Petition.

9. In view of the above, Petition is allowed in terms of prayer clause (a) subject to cost of Rs. 10,000/-. Consequently, the impugned FIR bearing No. 618 of 2024 dated 08.11.2024 registered with Navghar Police Station, District-Mira-Bhayander,

1. (2012)10 Supreme Court Cases 303.

2. (2014)6 Supreme Court Cases 466.

3. 2025 SCC OnLine SC 2927.

4. (2017) 9 SCC 641.

Vasai-Virar for the offences punishable under Sections 64(1), 352 & 351(2) of the Bharatiya Nyaya Sanhita, 2023 and the subsequent charge-sheet bearing No. 33 of 2025 dated 10.02.2025 registered as Regular Criminal Case No. 7446 of 2025 pending before the Additional Sessions Judge, Thane, arising out of the said FIR, are quashed. Criminal proceedings against the Petitioner arising out of the said FIR and charge-sheet are closed.

10. Respondent No. 2 shall deposit cost of Rs. 10,000/- in the following account within a period of 2 weeks from today and furnish proof of deposit before the Registry of this Court by filing an Affidavit of compliance on or before 05.03.2026 :-

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

11. Criminal Writ Petition No. 4226 of 2025 is disposed of in the above said terms.

[ASHWIN D. BHOBE, J.]

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KRISHNA
KOTAWADEKAR
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by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
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