

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4524 OF 2025

Faisal Iftikhar Ahmed Farooqui ... Petitioner
Vs.
The State of Maharashtra & Anr. ... Respondents

Mr. Zeeshan Khan, Advocate for the Petitioner.

Faisal Iftikhar Ahmed Farooqui in person, present-in-Court.

Mr. Aijaz Malik i/b Mr. Irfan Ansari, Advocate for Respondent No.2.

Ms. Sakina Muskan Gulam Hazrat, (Thr. V. C.) Respondent No.2 in person.

Mr. Ajay Powar – PSI, Bandra Police Station.

Ms. Pallavi Dabholkar, APP for Respondent - State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 5th JANUARY, 2026

P.C. :

1. By the present Petition filed under Article 226 of the Constitution of India and 528 of Bharatiya Nagarik Suraksha Sanhita ('BNSS'), the Petitioner/Accused in Crime No. 602 of 2024 registered with Bandra Police Station, Bandra, Mumbai, is before this Court seeking the following relief :-

“a) To allow the present Petition and issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate writ, order or direction, directing quashing of FIR at C. R. No. 602 of 2025 registered at registered at Bandra Police Station under sections 69 of BNS, 2023 and pursuant chargesheet pending as C.C.

No. 1640/PW/2025 before Ld. 12th Judicial Magistrate of the First Class, Bandra. Mumbai, qua the Petitioner.

b) Pending the hearing and final disposal of the above writ petition this Hon'ble Court may graciously be pleased to stay the framing of charges and further trail of C.C. No.1640/PW/2025 before Ld. 12th Judicial Magistrate of the First Class, Bandra, Mumbai.

c) Interim and ad-interim relief(s) in terms of prayer clause (b) above.

d) For such further and other reliefs as the nature and circumstances of the case may require, be granted.”

2. Petitioner in person alongwith his Advocate Mr. Zeeshan Khan is present in Court. Respondent No.2 (appearing through V.C.) identified by her Advocate Mr. Aijaz Malik who is present before this Court.

3. Advocate Mr. Zeeshan Khan and Advocate Mr. Aijaz Malik jointly tender an affidavit dated 11th August 2025 of Respondent No.2 along with the photostat copy of the Passport bearing No. V8027858 of Respondent No.2 and Marriage Certificate (Nikahnama) dated 08/08/2025 bearing Registration No. 275 issued by the Sunni Jama Masjid, Dharavi, Mumbai-400017.

4. Respondent No. 2 (Ms. Sakina Muskan Gulam Hazrat) admits her signature on the affidavit, at point 'A' and 'A-1' on page 2 and 3 of the said affidavit dated 11th August 2025. She states that the said affidavit is filed 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 7 of the affidavit dated 11th August, 2025 are as per her say. She states that she and the Petitioner have married and are staying

together. Affidavit dated 11th August, 2025 of Respondent No. 2 along with the photostat copy of the Passport and the Marriage Certificate are taken on record and marked '**X colly**' for identification.

5. Mr. Zeeshan Khan, learned Advocate for the Petitioner and Mr. Aijaz Malik, learned Advocate for Respondent No.2, jointly submit that the Petitioner and Respondent No.2 are indeed married and are staying together as husband and wife. They therefore submit that the criminal proceedings filed by the Respondent No.2 against the Petitioner may not be continued and the same be quashed.

6. Ms. Pallavi Dabholkar, learned APP for the State, submits that the Petitioner and Respondent No.2, now having married, no purpose would be served in continuing with the criminal proceedings. She submits that the impugned FIR and the criminal proceedings may be quashed, based on the affidavit at '**X colly**' and the statements today made before this Court by the Petitioner, Respondent No.2 and the Advocates representing them.

7. The Hon'ble Supreme Court in the case of ***Sandeep Singh Thakur Vs. State of Madhya Pradesh and Anr¹***, after considering the parties to the said proceedings having reconciled their differences and married, with the intervention of the Court, the Hon'ble Supreme Court was pleased to set aside the conviction of the Appellant under section 376 (2) (n) and 417 of IPC and quash the criminal proceedings initiated by the Respondent therein.

1 2025 SCC OnLine SC 2927

8. In the instant case, Petitioner and the Respondent No.2 are happily married and staying together as husband and wife, as submitted by the learned Advocate for the parties and as admitted by the Petitioner in person and the Respondent no. 2 (appearing through V.C.). Considering the facts as placed before me, the settlement arrived between the parties, the statements made on oath by the Respondent No. 2 (Exhibit X colly) and guided by the decision of the Hon'ble Supreme Court in the case of ***Prabathbai Aahir Alias Prabathbai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.***², I deem it fit and proper to exercise powers under Section 528 of the BNSS to quash the criminal proceedings.

9. Petition is therefore allowed in terms of prayer clause (a). The FIR at Crime No. 602 of 2024 registered at Bandra Police Station, Bandra under Section 69 of BNSS 2023 and the Charge-Sheet dated 19.06.2025 filed in the said Crime No. 602 of 2024 are quashed and set aside. Consequently, proceedings bearing No. C. C. 1604 / PW / 2025 pending on the file of the 12th Judicial Magistrate of First Class, Bandra, Mumbai are closed.

10. Writ Petition No. 4524 of 2025 is disposed of.

(ASHWIN D. BHOBE, J.)

² (2017) 9 SCC 641.