

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

WRIT PETITION NO. 4534 OF 2025

Shri. Aniket Anil Sawant And Ors.

...Petitioners

Versus

The State of Maharashtra And Anr.

...Respondents

Mr. Nandkumar Vasudeo Sawant, learned Advocate for the Petitioners.
Petitioner Nos. 1 to 3 are present in the Court.

Ms. Shilpa G. Talhar, learned A.P.P. for the State/Respondent.
Ms. Pranali R. Misal, learned Advocate for Respondent No. 2.
Respondent No. 2 is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 16th FEBRUARY 2026.

P.C. :

1. Heard Mr. Nandkumar Sawant, learned Advocate for the Petitioners, Ms. Shilpa Talhar, learned A.P.P. for the State/Respondent and Ms. Pranali Misal, learned Advocate for Respondent No. 2.

2. This Petition is preferred by the Petitioners under Article 226 of the Constitution of India and under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing of the First Information Report bearing No. 1253 of 2024 dated 10.11.2024 registered with Manpada Police Station, District-Thane for the offences punishable under Sections 498(A), 323, 504 & 506 read with Section 34 of the Indian Penal Code, 1860 and the charge-

sheet bearing Regular Criminal Case No. 209 of 2025 pending before the learned Judicial Magistrate First Class at Kalyan, arising out of the said FIR.

3. Petitioner Nos. 1 to 3 are present in the Court along with their Advocate Mr. Nandkumar Sawant. Mr. Nandkumar Sawant identifies all the Petitioners and tenders photostat copies of their Aadhar Cards as photo identity proof, which are taken on record and marked as “**X Colly.**” for identification. Respondent No. 2 is present in the Court along with her Advocate Ms. Pranali Misal. Ms. Pranali Misal tenders photostat copy of Aadhar Card of Respondent No. 2 as photo identity proof, which is taken on record and marked as “**X-1**” for identification.

4. Ms. Pranali Misal tenders Affidavit dated 31.01.2026 affirmed by Respondent No. 2 before the Notary Advocate Mr. Suresh Shyama Shetty, District-Thane. Same is taken on record and marked as “**X-2**” for identification. Respondent No. 2, who is present in the Court, states that she has filed the said Affidavit dated 31.01.2026 (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 the dispute between her and the Petitioners is amicably resolved, as such she gives No Objection for quashing of the criminal proceedings.

5. Mr. Nandkumar Sawant and Ms. Pranali Misal relying on the Affidavit (X-2) filed by Respondent No. 2 submit that the Petitioners and Respondent No. 2 have settled their matrimonial

dispute. They submit that Petitioner No. 1 (Husband) and Respondent No. 2 (Wife) have decided to part ways. They have filed Divorce Petition No. 1322 of 2025 before the Court of Civil Judge, Senior Division at Kalyan, seeking divorce by mutual consent. They submit that Respondent No. 2 has agreed to withdraw all criminal proceedings filed by her against the Petitioners. They therefore request that the criminal proceedings may not be continued.

6. Ms. Shilpa Talhar, learned A.P.P. for the State/Respondent submits that though the police machinery was put in action on the basis of the complaint filed by Respondent No. 2, however the parties having now resolved their dispute and in view of the statements made by Respondent No. 2 in the Affidavit (X-2), no purpose would be served by continuing with the criminal proceedings. She therefore submits that the impugned FIR and the criminal proceedings arising out of the said FIR can be quashed. She however insists for imposition of exemplary costs on the parties.

7. Mr. Nandkishor Sawant, learned Advocate for the Petitioners on instructions from the Petitioners, who are present in the Court states that appropriate cost would be paid.

8. Considering the facts as placed before me, the nature of dispute, the matter being amicably settled between the Petitioners and Respondent No. 2, the statements made on oath by Respondent No. 2 (Affidavit at X-2) and her No Objection, having regards to the pronouncements of 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 and *Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.*³, there is no impediment in allowing this Criminal Writ Petition.

9. In view of the above, Criminal Writ Petition is allowed in terms of prayer clause (a) subject to payment of cost of Rs. 25,000/- by the Petitioners as condition precedent. Consequently, the FIR bearing No. 1253 of 2024 dated 10.11.2024 registered with Manpada Police Station, District-Thane for the offences punishable under Sections 498(A), 323, 504 & 506 read with Section 34 of the Indian Penal Code, 1860 and the subsequent charge-sheet bearing Regular Criminal Case No. 209 of 2025 pending before the learned Judicial Magistrate First Class at Kalyan, arising out of the said FIR, are quashed. Criminal proceedings against the Petitioners arising out of the impugned FIR and the charge-sheet are closed.

10. Petitioners shall deposit cost of Rs. 25,000/- 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 16.03.2026 :-

Bank Name	:	Axis Bank Limited
Branch Name	:	Worli, Mumbai (M.H.), Mumbai-400 025
Account Name	:	Central Police Welfare Fund, Director General MS, Mumbai
Account Number	:	914010029005759
IFSC Code	:	UTIB00000060

1. (2012)10 Supreme Court Cases 303.
2. (2014)6 Supreme Court Cases 466.
3. (2017) 9 SCC 641.

11. Criminal Writ Petition No. 4534 of 2025 is disposed of in the above said terms.

[ASHWIN D. BHOBE, J.]

GITALAXMI
KRISHNA
KOTAWADEKAR

Digitally signed by
GITALAXMI KRISHNA
KOTAWADEKAR
Date: 2026.02.17
18:34:39 +0530