

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

CRIMINAL WRIT PETITION NO. 4669 OF 2025

Gaurang Mohanlal Soni and ors. : Petitioners
Versus
The State of Maharashtra and anr. : Respondents.

Ms Deepa Panicker, for the Petitioners.

Ms. Pallavi N Dabholkar, APP for the Respondent/State.

Mr. Yashwardhan Tiwari, for the Respondent No.,.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 10 FEBRUARY 2026

PC:-

1. Heard Ms. Deepa Panicker, learned Advocate for the Petitioners, Ms. Pallavi Dabholkar, learned APP for the Respondent/State and Mr. Yashwardhan Tiwari, learned Advocate for Respondent No.2.

2. This Petition under Article 226 of the Constitution of India and under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is preferred by the Petitioners for quashing the FIR bearing No.283 of 2025 registered with Vakola Police Station, Mumbai for the offences punishable under Sections 498A, 504, 323, 406 r/w Section 34 of the Indian Penal Code.

3. Petitioner No.1 (Husband) is present in Court along with learned Advocate Ms. Deepa Panicker. She tenders the Photostat copy of the Identity Card of the Petitioner No.1, which is taken on record and marked as “X” for identification. She however states that Petitioner No.2 is a senior citizen whereas Petitioner No.3 is sister in law, who resides in Rajasthan. Advocate Ms. Deepa Panicker submits that the Petitioner Nos. 2 and 3 have personal difficulties in appearing before this Court and therefore she seeks exemption. Ms. Pallavi Dabholkar, learned APP, submits that for the reasons mentioned by Advocate Ms. Deepa Panicker exemption as prayed can be granted.

4. Respondent No.2 is present in the Court and is identified by her Advocate Mr.Yashwardhan Tiwari. He tenders Photostat copy of the Identity Card of Respondent No.2, which is taken on record and marked as “X-1” for identification.

5. Advocate Ms. Deepa Panicker and Advocate Mr. Yashwardhan Tiwari submit that the matrimonial dispute between the Petitioners and the Respondent No.2 is amicably resolved. They submit that Petitioner No.1 and the Respondent No.2 are separated by way of judicial separation pursuant to the decree passed by the Family Court, Bandra. They submit that Respondent No.2 has given no objection for quashing of the criminal proceedings against the Petitioners.

6. Mr. Yashwardhan Tiwari states that the Affidavit dated 10 January 2026 affirmed by Respondent No.2 before the Notary Advocate S N Dhange is placed on record, same is marked as “X-2” for identification.

7. Respondent No. 2 states that the said Affidavit (X-2) is filed out of her own free will and without any pressure or coercion from any person. She states that the contents of the Affidavit (X-2) are as per her say. She reiterates her no objection for quashing of the criminal proceedings.

8. Ms Pallavi Dabholkar, learned APP submits that the Petitioners and the Respondent No.2 having settled the matter and the Petitioner No.1 and the Respondent No.2 being judicially separated pursuant to the divorce by mutual consent passed by the Family Court, Bandra, the Respondent No.2 having filed her Affidavit (X-2) given no objection for quashing the criminal proceedings, no purpose would be served in continuing with the criminal proceedings. She however insists for imposition of costs.

9. Considering the aforesaid circumstances, the nature of dispute, the matter being settled between the Petitioners and the Respondent No.2, the Respondent No.2 having given her no objection in the Affidavit (X-2) and having regards 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*

¹ 2012 10 SCC 303

State Of Punjab And Anr² and Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat³, there is no impediment in allowing this Application.

10. In view of the above, Criminal Writ Petition No.4669 of 2025, is allowed in terms of prayer clause (a). Consequently, the impugned FIR bearing No.283 of 2025 registered with Vakola Police Station, Mumbai is quashed.

(ASHWIN D. BHOBE, J.)

² 2014 6 SCC 466

³ 2017 9 SCC 641