

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

WRIT PETITION NO. 4677 OF 2025

Mr. Shadab Mohd Rafique Qureshi And Ors.

...Petitioners

Versus

The State of Maharashtra And Anr.

...Respondents

Ms. Saroj Shinde a/w Ms. Sunita R. Vishwakarma, learned Advocates for the Petitioners.

Petitioner No. 1 is present in the Court. Petitioner Nos. 2 to 5 appeared through VC.

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

Mr. Ayyub Bashir Patel i/b Mr. Bashir Abdul Patel, learned Advocate for Respondent No. 2.

Respondent No. 2 is present in the Court.

PSI Mr. Deepak Thorat attached to Oshiwara Police Station, Mumbai is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 3rd FEBRUARY 2026.

P.C. :

1. Heard Ms. Saroj Shinde, learned Advocate for the Petitioners, Mr. Tanveer Khan, learned A.P.P. for the State/Respondent and Mr. Ayyub Patel, learned Advocate for Respondent No. 2.

2. By the present Petition filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Petitioners are seeking quashing of the First Information Report bearing No. 30 of 2020 dated 14.01.2020 registered with Oshiwara Police Station, Mumbai

for the offences punishable under Sections 498(A), 406, 323, 504 & 506 read with 34 of the Indian Penal Code, 1860.

3. Petitioner No. 1 is present in the Court along with his Advocate Ms. Saroj Shinde. Petitioner Nos. 2 to 4 are appearing through Video Conference. Ms. Saroj Shinde identifies Petitioner Nos. 2 to 4, who are appearing through Video Conference and tenders photostat copies of Aadhar Cards of all the Petitioners 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 Mr. Ayyub Patel. Mr. Ayyub Patel 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. Ms. Saroj Shinde and Mr. Ayyub Patel submit that the matrimonial dispute between the Petitioners and Respondent No. 2 being settled, the criminal proceedings be quashed.

4. Mr. Ayyub Patel on instructions from Respondent No. 2 states that Respondent No. 2 does not intend to pursue/prosecute the criminal proceedings filed at her instance and therefore, she has given No Objection for quashing of the criminal proceedings. He tenders Consent Affidavit dated 29.09.2025 affirmed by Respondent No. 2 before the Notary Advocate S. B. Mustari at Mumbai. Same is taken on record and marked as “**X-2**” for identification. Respondent No. 2 states that the Consent Affidavit (X-2) has been filed by her out of her own free will and without any pressure, force or coercion from any person. She states that the contents of the Consent Affidavit (X-2) are as per her say. She reiterates her No Objection for quashing of the impugned FIR.

5. Petitioner No. 1, who is present in the Court and Petitioner Nos. 2 to 4, who are appearing through Video Conference, state that the matrimonial discord between Petitioner No. 1 (Husband) and Respondent No. 2 (Wife) is amicably resolved and they decided to part ways.

6. Mr. Tanveer Khan, learned A.P.P. for the State/Respondent states that no purpose would be served by continuing with the criminal proceedings in view of the statements made by Respondent No. 2 in the Consent Affidavit dated 29.09.2025 (X-2). He therefore submits that the impugned FIR can be quashed. He however insists for imposition of cost on the Petitioners.

7. Ms. Saroj Shinde on instructions from Petitioner No. 1, who is present in the Court, states that appropriate amount would be paid as costs.

8. Considering the facts as placed before me, the nature of dispute, the settlement arrived between the parties, the statements made on oath by Respondent No. 2 (Consent Affidavit at X-2) and guided by the decision of the Hon'ble Supreme Court in the case of ***Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.***¹, there is no impediment in allowing this Petition.

9. Petition is therefore allowed in terms of prayer clause (a) subject to payment of cost of Rs. 15,000/- as condition precedent. Consequently, First Information Report No. 30 of 2020 dated 14.01.2020 registered with Oshiwara Police Station, Mumbai for

¹ (2017) 9 SCC 641.

the offence punishable under Sections 498(A), 406, 323, 504 & 506 read with 34 of the Indian Penal Code, 1860, is quashed. Criminal proceedings against the Petitioners arising out of the said FIR are closed.

10. Petitioners shall deposit cost of Rs. 15,000/- in the following account and furnish proof of deposit before the Registry of this Court by filing an Affidavit of compliance within a period of 2 weeks from today :-

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID00000001

11. Criminal Writ Petition No. 4677 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
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Date:
2026.02.13
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