

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 5153 OF 2025

Biswadeep Biswarup Banerjee

... Petitioner

Versus.

State Of Maharashtra And Anr.

... Respondents

Mr. Abhinandan Vagyani a/w Pankaj Kandhari, Sachin Bhaskar, for the Petitioner.

Petitioner is present through VC.

Ms. Pushpa Verma, for the Respondent No. 2.

Respondent No. 2 is present in Court.

Ms. Rajeshree Newton, APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 8th April, 2026.

P.C. :

1. This Petition is at serial No. 59. At the request of Ms. Pushpa Verma, learned Advocate for Respondent No. 2, who expressed a medical difficulty on behalf of Respondent No. 2, this Petition is taken up out of turn.

2. Heard Mr. Pankaj Kandhari, learned Advocate for the Petitioner, Mrs. Rajeshree Newton, learned APP for the Respondent – State and Ms. Pushpa Verma, learned Advocate for the

Respondent No. 2.

3. This Petition under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is filed by the Petitioner seeking to quash FIR No. 411 of 2025, dated 24.08.2025, registered with the Chitalsar Thane City Police Station (impugned FIR), for offences punishable under Sections 498A, 323 and 504.

4. Mr. Abhinandan Vagyani and Ms. Pushpa Verma, learned Advocates, submit that the subject matter of the impugned FIR pertains to a matrimonial dispute between the Petitioner and the Respondent No. 2. They submit that the Respondent No. 2 and the Petitioner have amicably resolved the dispute. They submit that the Marriage Petition (A) No. 235 of 2020, filed by the Petitioner and the Respondent No. 2 seeking mutual consent, was decreed on 04.04.2026. They submit that the Respondent No. 2 is not interested in continuing the criminal proceedings. They submit that the Respondent No.2 has given her no objection to the quashing of the impugned FIR.

5. The Petitioner is present through VC and is identified by his Advocate Mr. Pankaj Kandhari. He submits the photocopy of the Petitioner's identity card, which is taken on record and marked as **"X"** for identification.

6. Respondent No. 2 is present in Court and is identified by her Advocate Ms. Pushpa Verma. She submits a photocopy of the Respondent No. 2's identity card, which is taken on record and marked as **"X-1"** for identification.

7. Ms. Puspa Verma states that the Affidavit dated 08.03.2026, affirmed by the Respondent No. 2, before the Notary Veena Yadav, is placed on record, and the same is marked as **"X-2"** for identification.

8. Respondent No. 2 states that she has filed the Affidavit (X-2) of her own free will, without any force or coercion from anyone. She states that the contents of the Affidavit (X-2) are true to her knowledge. She states that she has amicably resolved her matrimonial dispute with the Petitioner and as such, has no interest in continuing the criminal proceedings. She states that she

has no objection to the quashing of the impugned FIR.

9. Mrs Rajeshree Newton, learned APP for the Respondent – State, submits that the matrimonial dispute between the Petitioner and the Respondent No. 2 being amicably resolved, she has no objection to the quashing of the impugned FIR. However, she insists on imposing costs on the Petitioner on the grounds that a matrimonial dispute was given a criminal veneer.

10. Mr. Pankaj Kandhari, on instructions from the Petitioner, states that the Petitioner shall pay appropriate costs.

11. Considering the facts mentioned hereinabove, the submissions of the learned Advocates for the parties, the statements made by Respondent No. 2 before this Court and in her Affidavit (X-2) and the fact that the Petitioner and Respondent No. 2 have amicably resolved their matrimonial dispute and separated by a divorce granted by the Family Court, Thane, no useful purpose would be served by continuing the criminal proceedings. Having regard to the pronouncements of the Hon'ble Supreme Court in the case of *Gian Singh vs State of Punjab*¹, *Narinder*

¹ 2012 10 SCC 303
Arjun

*Singh and Ors vs State of Punjab and Anr*² and *Parbatbhai Aahir @ Parbatbhai vs The State of Gujarat*³ , there is no impediment in allowing this Petition.

12. In view of the above, Writ Petition No. 5153 of 2025 is allowed in terms of prayer clause (a), subject to payment of cost of Rs. 25,000/- by the Petitioner. Payment of costs is a condition precedent. Consequently, the impugned FIR is quashed.

13. The Applicant shall deposit the cost of Rs. 25,000/-, in the account mentioned below within a period of three (3) weeks from today.

Account Name :-	High Court Law Library
Account Number :-	10996686636
Bank Name :-	State Bank Of India
Branch Name :-	Mumbai Main Branch
IFSC Code :-	SBIN0000300

² 2014 6 SCC 466

³ 2017 9 SCC 641
Arjun

14. The compliance affidavit, along with the proof of deposit, shall be filed by the Petitioner in the Registry of this Court on or before 02.05.2026.

15. Writ Petition No. 5153 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)

Digitally
signed by
ARJUN
KRISHNA
RODGE
Date:
2026.04.10
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