

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

WRIT PETITION NO. 6642 OF 2025

Soban Mohammad Ali Malpara

...Petitioner

Versus

The State of Maharashtra And Anr.

...Respondents

Ms. Taahiya Syiad a/w Mr. Syied Taahiya Kurbanali, learned Advocates for the Petitioner.

Petitioner is present in the Court.

Ms. Pallavi N. Dabholkar, learned A.P.P. for the State/Respondent.

Mr. Shiva Gupta, learned Advocate for Respondent No. 2.

Respondent No. 2 is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 23rd JANUARY 2026.

P.C. :

1. Heard Ms. Taahiya Syiad, learned Advocate for the Petitioner, Ms. Pallavi Dabholkar, learned A.P.P. for the State/Respondent and Mr. Shiva Gupta, learned Advocate for Respondent No. 2.

2. This Petition is preferred by the Petitioner 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 C.R. No. 549 of 2025 dated 07.07.2025 registered with Kurar Village Police Station, Mumbai for the offences punishable under Sections 69, 351(2) & 352 of the Bharatiya Nyaya Sanhita, 2023.

3. Petitioner is present in the Court along with his Advocate Ms. Taahiya Syiad. Respondent No. 2 is present along with her Advocate Mr. Shiva Gupta.

4. Ms. Taahiya Syiad and Mr. Shiva Gupta jointly submit that the Petitioner. Respondent No. 2 after resolving the dispute amongst them, have married with each other. They refer to page nos. 31 to 40 of the paper-book, i.e. the Marriage Certificate dated 10.10.2025-Nikahnama (Exhibit-E) registered at Gujarat vide Registration No. 232-B Mehsana, Gujarat along with Memorandum of Marriage (Form "D"), Government of Maharashtra (Exhibit-F), Certificate of Stamp Duty (Exhibit-G) & Joint Affidavit of Declaration of Marriage (Exhibit-H). Same are marked as "**X Colly.**" for identification. They submit that in view of their marriage, 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. They therefore submit that the criminal proceedings against the Petitioner be quashed.

5. Mr. Shiva Gupta has tendered the Affidavit dated 02.12.2025 affirmed by Respondent No. 2 before the Notary Advocate M. V. Modi, Palanpur, Dist. B. K. (Guj). Same is at page nos. 41 to 44 of the Petition paper-book and marked as "**X-1**" for identification. Respondent No. 2 states that she has filed the Affidavit (X-1) out of her own free will and without any pressure, force or coercion from any person. She states that the contents of Affidavit (X-1) are as per her say. She reiterates that after her marriage with the Petitioner, both of them are staying together as husband and wife,

as such she gives No Objection for quashing of the criminal proceedings. Petitioner confirms that after his marriage with Respondent No. 2, both of them are staying together at their matrimonial house.

6. Ms. Pallavi Dabholkar, learned A.P.P. for the State/Respondent submits that in view of the statements made by Respondent No. 2 of the matter being settled, her statements in the Affidavit (X-1) and the fact of Respondent No. 2 having married with the Petitioner and they staying together as admitted by the Petitioner and Respondent No. 2, the impugned FIR be quashed.

7. Having regards to the facts as placed before me, the nature of dispute, the amicable settlement arrived between the parties and the Petitioner and Respondent No. 2 having married and staying together as stated by them before the Court, the statements made on oath by Respondent No. 2 (Affidavit dated 02.12.2025) and having regards to the judicial pronouncements by 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, *Sandeep Singh Thakur v/s. The State of Madhya Pradesh and Anr.*³ and *Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.*⁴, to secure ends of justice I deem it fit and proper to exercise powers under Section 528 of the BNSS to quash the criminal proceedings.

8. In view of the above, Petition is allowed in terms of prayer

1. (2012)10 Supreme Court Cases 303.

2. (2014)6 Supreme Court Cases 466.

3. 2025 SCC OnLine SC 2927.

4. (2017) 9 SCC 641.

clause (a). Consequently, FIR bearing C.R. No. 549 of 2025 dated 07.07.2025 registered with Kurar Village Police Station, Mumbai for the offence punishable under Sections 69, 351(2) & 352 of the Bharatiya Nyaya Sanhita, 2023, is quashed. Criminal proceedings against the Petitioner arising out of the said FIR is closed.

9. Criminal Writ Petition No. 6642 of 2025 is disposed of. No order as to costs.

[ASHWIN D. BHOBE, J.]

GITALAXMI
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KOTAWADEKAR

Digitally signed
by GITALAXMI
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Date:
2026.02.09
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