

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

CRIMINAL WRIT PETITION NO. 6719 OF 2025

Mr. Amit Mahadeo Mohite & Ors. ... Petitioners.

V/s.

The State of Maharashtra & Anr. ... Respondents.

Mr. Vaibhav Parab, Advocate for Petitioners.

Mr. Keshav Borhade, Advocate for Respondent No. 2.

Mr. Prasanna Malshe, APP for Respondent/State.

PSI Sunil Parab, Shivaji Park Police Station, Mumbai.

CORAM : ASHWIN D. BHOBE, J.

DATE : 12th JANUARY, 2026.

P.C. :

1. By the present Petition filed under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023, the Petitioners have sought following substantive relief :

“b) That this Hon'ble Court be pleased to quash F.I.R. registered vide C.R. No. 528 of 2021 filed by the Respondent No. 2/Original Complainant at Shivaji Park Police Station for alleged offences punishable under Sections 498 (A) read with 34 of the Indian Penal Code and the charge-sheet pending vide Court Case No. 1302/PW/2021 before the Addl. Chief Judicial

*Magistrate First Class 5th Court at Dadar, Mumbai
against the Petitioners on such terms and conditions as
this Hon'ble Court may deem fit and proper.”*

2. Petitioner Nos. 1 to 3 alongwith their Advocate Mr. Vaibhav Parab are present in the court. Respondent No. 2 is present alongwith her Advocate Mr. Keshav Borhade.

3. Mr. Keshav Borhade, learned Advocate for the Respondent No. 2 states that the Respondent No. 2 has filed an affidavit dated 8th January, 2026, which is at page Nos. 124 to 127 of the paper book. Respondent No. 2 (Mrs. Sonali Amit Mohite) who is present in the court, admits her signature on all pages, which are marked point “A”, “A-1”, “A-2” and “A-3”. Said affidavit is marked as “X” for identification. She states that the said affidavit is filed out of her own free will and without any pressure or coercion from any person. She reiterates what is stated by her in her affidavit. She states that she has resolved the matrimonial issues with the Petitioners and she has decided to separate from her husband. She therefore has no objection for quashing of the complaint/FIR bearing No. 528 of 2021 registered with Shivaji Park Police Station.

4. Mr. Vaibhav Parab, learned Advocate for the Petitioners and Mr. Keshav Borhade, learned Advocate for Respondent No. 2 jointly submit that the marriage between the Petitioner No. 1 and Respondent No. 2 has irretrievably broken down and they do not intend to cohabit with each other. They therefore, submit that the criminal proceedings filed by the Respondent No. 2 against the Petitioners may not be continued and the same be quashed.

5. Mr. Prasanna Malshe, learned APP for the State submits that the Petitioner No. 1 and Respondent No. 2 having resolved their family matters and decided to separate from each other, continuation of the criminal proceedings would not be warranted. He based on the statement made by the Respondent No. 2 in the document marked at "X" submits that the FIR / criminal proceedings, which are subject of the present Petition be quashed.

6. Considering the facts stated herein above, the statements made by the Respondent No. 2 in her affidavit (marked as "X") as also today before this Court 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, I deem it fit and proper to exercise powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS') to quash the criminal proceedings.

7. This Petition is therefore allowed in terms of prayer clause (b). Consequently, F.I.R. bearing C.R. No. 528 of 2021 registered at the Shivaji Park Police Station and the charge-sheet bearing Court Case No. 1302/PW/2021 pending on the file of the Additional Chief Judicial Magistrate First Class, 5th Court at Dadar, Mumbai are quashed. Criminal proceedings arising out of the impugned FIR are closed.

8. There shall be no order as to costs.

9. Criminal Writ Petition No. 6719 of 2025 is disposed of.

(ASHWIN D. BHOBE, J.)

¹ (2017) 9 SCC 641.