

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 587 OF 2025

Preetam Munendra Prajapati

... Applicant

V/S.

State Of Maharashtra And Anr

... Respondents

Mr. Ritesh Karkera, learned Advocate for the Applicant.

Mr. Shailesh Salvi, learned Advocate for the Respondent No. 2.

Mr. Sukanta Karmakar, learned APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 27th FEBRUARY, 2026.

P.C. :

1. Heard Mr. Ritesh Karkera, learned Advocate for the Applicant, Mr. Sukanta Karmakar, learned APP for the Respondent – State and Mr. Shailesh Salvi, learned Advocate for Respondent No. 2.

2. This Application under Section 528 of the Bharatiya Nyaya Sanhita, 2023 is preferred by the Applicant for quashing of the FIR dated 14.01.2025, (impugned FIR) bearing No. 17 of 2025, registered with Nalasopara Police Station, for offences punishable under Section 64(2)(m), 69, 115(2), 352, 351(2), 324(4) of the

Bharatiya Nyaya Sanhita, 2023 and the chargesheet No. 4100/2025 registered as Case No. 764 of 2025 pending before the 5th Joint Civil Judge, JD And J.M.F.C. Vasai.

3. Applicant is present in the Court and is identified by his Advocate Mr. Ritesh Karkera. He tenders the Photostat copy of the Identity Card of the Applicant, which is taken on record and marked as “X” for identification.

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

5. Mr. Shailesh Salvi states that the Affidavit dated 09.09.2025 affirmed by Respondent No. 2 before the Notary Mrs. Aliya N. Pathan, is placed on record. Same is taken on record and marked as “X-2” for identification

6. 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.

7. Mr. Ritesh Karkera and Mr. Shailesh Salvi submit that the Applicant and the Respondent No. 2 are husband and wife. They submit that though the Applicant and Respondent No. 2 were married prior to 14th of January, 2025, it was on account of a misunderstanding between them that resulted in the Respondent No. 2 filing the impugned FIR. They submit that the Applicant and the Respondent No. 2 after having realized their mistake, have reconciled and since then are staying together happily. They submit that the Applicant and the Respondent No. 2 were blessed with a Boy on 7th July, 2025. They state that the Applicant, Respondent No. 2 and the child are staying together and they have no grievance of whatsoever nature against each other. They submit that the Respondent No. 2 had filed an Affidavit dated 1st February, 2025 before the Sessions Court in the Application for bail of the Applicant. They submit that the said Affidavit is at page 230 and 231 of the Paper Book. They refer to page no. 228 of the paper

book to submit evidence in support of the Applicant being married to the Respondent No. 2.

8. Mr. Sukanta Karmakar, learned APP for the State, submit that the case as disclosed in the impugned FIR, gives an impression that it was on account of a matrimonial disharmony between the Applicant and the Respondent No. 2 that led to filing of the complaint. He submits that the Applicant and the Respondent No. 2 (Husband and Wife) having resolved their dispute and they residing together as a family along with their minor child as submitted by their respective Advocates, the impugned FIR and the chargesheet arising out of the FIR can be quashed.

9. Considering the aforesaid circumstances, the dispute being a matrimonial discord arising out of tiffs and skirmishes between the Petitioner and the Respondent No. 2, the matter being settled between the Petitioner and the Respondent No. 2 and they staying together as husband and wife and the statement of Respondent No. 2 in her Affidavit (X-2), no useful purpose will be served by allowing the criminal prosecution to continue. 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 State Of Punjab And Anr*², *Sandeep Singh Thakur vs. State Of Madhya Pradesh & Anr.*³ and *Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat*⁴ and *Madhukar v. State of Maharashtra*⁵, there is no impediment in allowing this Application.

10. In view of the above, Criminal Application No. 587 of 2025 is allowed in terms of prayer clause (a). Consequently, the impugned FIR dated 14.01.2025, bearing No. 17 of 2025, registered with Nalasopara Police Station and the chargesheet No. 4100/2025 registered as Case No. 764 of 2025 pending before the 5th Joint Civil Judge, JD And J.M.F.C. Vasai are quashed.

11. Criminal Application No. 587 of 2025 is allowed and disposed of.

(ASHWIN D. BHOBE, J.)

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- 1 (2012) 10 SCC 303.
 - 2 (2014) 6 SCC 466.
 - 3 (2025) SCC OnLine Sc 2927
 - 4 (2017) 9 SCC 641.
 - 5 (2025) SCC OnLine SC 1415