

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

(SR. NO. 902) CRIMINAL APPLICATION NO. 807 OF 2025

Abdul Hafeez Shaikh ... Applicant
V/s.
The State of Maharashtra & Anr. ... Respondents

AND

(SR. NO. 42) CRIMINAL APPLICATION NO. 446 OF 2024

Saket Anil Bagaria ... Applicant
V/s.
The State of Maharashtra & Anr. ... Respondents

Ms. Prajakta Balasaheb Shinde, Advocate for Applicant in APL No. 807 of 2025.

Mr. Shreyansh Mithare a/w Mr. Anjali Nimbalkar and Mr. Avinash Kari, Advocate for Applicants in APL No. 446 of 2024.

Ms. Asmeeta Bhoir, Advocate for Respondent No. 2 in both the Applications.

Mr. Sukanta Karmakar, APP for Respondent No. 1 – State in APL No. 807 of 2025.

Mr. Prasanna Malshe, APP for Respondent No. 1 – State in APL No. 446 of 2024.

Ms. Rupali Salwe – PSI, Ambernath Police Station in both Applications.

CORAM : ASHWIN D. BHOBE, J.

DATE : 28th JANUARY, 2026.

P.C. :

1. Ms. Prajakta Balasaheb Shinde, Advocate for the Applicant in Criminal Application No. 807 of 2025, Mr. Shreyansh Mithare, Advocate for Applicant in Criminal Application No. 446 of 2024 and Ms. Asmeeta Bhoir, Advocate for Respondent No. 2 in Criminal Application No. 807 of 2025 and Criminal Application No. 446 of 2024, jointly submit that the subject matter of both these Applications is the FIR bearing No. 280 of 2022 registered with Ambernath Police Station, at Kalyan, as such they request for taking up of both these Applications together and for disposal by a common order.

2. These Applications under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short '**BNSS**') are preferred by the Applicants in both these Applications against the FIR bearing CR No. 280/2022 registered under Sections 376(2)(n), 506 read with 34 with Ambernath Police Station, Kalyan District Thane and the charge-sheet (now registered as Sessions Case No. 132 of 2025) arising out the of said FIR.

3. Ms. Prajakta Balasaheb Shinde, learned Advocate for the Applicant in (Criminal Application No. 807 of 2025), Mr. Shreyansh Mithare, learned Advocate for Applicant in (Criminal Application No. 446 of 2024) and Ms. Asmeeta Bhoir, learned Advocate for Respondent No. 2 jointly submit that the parties to these proceedings have amicably resolved the dispute.

4. Ms. Asmeeta Bhoir, learned Advocate for Respondent No. 2 submits that the Respondent No. 2 has now settled in life and she is a mother of two minor kids. She submits that Respondent No. 2 intends to devote her time to the welfare of the minor kids. She submits that Respondent No. 2 is unable to bear the stress of the criminal proceedings. She submits that Respondent No.2 having settled the dispute with the Applicants, has given no objection for quashing of the criminal proceedings.

5. Applicants in Criminal Application No. 807 of 2025 are present in Court and are identified by their Advocate Ms. Prajakta Balasaheb Shinde. Applicant in Criminal Application No. 446 of 2024 is present in Court and identified by Advocate Mr. Shreyansh

Mithare. Respondent No. 2 is present in Court and is identified by Advocate Ms. Asmeeta Bhoir.

6. Ms. Asmeeta Bhoir tenders the affidavit dated 22nd December, 2025 affirmed by Respondent No. 2 before the Notary Mrs. Snehal C. Sawant in Criminal Application No. 807 of 2025, which is taken on record and marked 'X' for identification. She tenders an Affidavit dated 22nd January, 2026 affirmed by Respondent No. 2 before the Notary Mrs. Snehal C. Sawant in Criminal Application No. 446 of 2024, same is taken on record and marked 'X-1' for identification.

7. Respondent No. 2 states that the affidavit at 'X' and 'X-1' are filed out of her own free will and without any pressure or coercion from any person. She reiterates the contents of the said affidavit at 'X' & 'X-1' and states that she has no objection for quashing of the FIR as also the criminal proceedings arising therefrom.

8. Mr. Sukanta Karmakar, learned APP for Respondent No. 1 – State in APL No. 807 of 2025 and Mr. Prasanna Malshe,

learned APP for Respondent No. 1 – State in APL No. 446 of 2024 submit that though Respondent No. 2 has now in her affidavit at ‘X’ and ‘X-1’, stated that she does not have objection for quashing of the criminal proceedings, fact remains that the criminal law was set in motion on the basis of her complaint. They however submit that no purpose would be served in continuing the criminal proceedings in view of the statements made by Respondent No. 2 in her affidavits at ‘X’ and ‘X-1’. They however strongly contend that the parties to the present Petition should be saddled with costs for taking proceedings for granted.

9. Ms. Prajakta Balasaheb Shinde and Mr. Shreyansh Mithare, on instructions submit that Applicant in Criminal Application No. 446 of 2024 shall deposit an amount of Rs. 25,000/- and Applicants in Criminal Application No. 807 of 2025 shall deposit Rs.10,000/- as costs. Ms. Asmeeta Bhoir, submits that Respondent No. 2 shall deposit Rs. 10,000/- Applicants and Respondent No. 2 undertake to deposit the total amount of Rs. 45,000/- in the above said proportion, in the below mentioned Account within a period of two weeks from today and file proof of

said deposit in the Registry of this Court. :-

1. The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

10. Considering the aforesaid circumstances, the statements made by Respondent No. 2 in the documents at 'X' and 'X-1' and having regard to the decision of the Hon'ble Supreme Court in the case of *Gian Singh V. State of Punjab*¹, *Parbatbhai Aahir Alias Prabatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat Anr*², *Narinder Singh & Ors. Vs. State of Punjab & Anr.*³ and *Sandeep Singh Thakur Vs. State of Madhya Pradesh and Anr.*⁴ there is no impediment for allowing this Application.

11. In view of the above, subject to payment of cost, both these Applications are allowed in terms of prayer clause (a). Consequently, the impugned FIR No. 280 of 2022 registered at Ambernath Police Station, at Kalyan and the charge-sheet bearing

1 (2012) 10 SCC 303

2 (2017) 9 SCC 641

3 (2014) 6 SCC 466

4 2025 SCC OnLine SC 2927

Sessions Case No. 132 of 2025 are quashed.

12. List the matter on 16th February, 2026 for reporting compliance of deposit of amount.

(ASHWIN D. BHOBE, J.)