

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 1042 OF 2025**

Himanshu Shivajirao Shinde And Ors.

... Applicants

Vs.

State of Maharashtra And Anr.

... Respondents

Mr. Vishal M. Deshmukh for the Applicants.

Applicant No. 1 is present in person.

Mr. S. V. Walve, APP for the Respondent-State.

Mr. Sarthak S. Diwan for the Respondent No. 2.

Respondent No. 2 is present in person.

API. R. R. Adgale attached to the Sinhgad Road Police Station is present.

CORAM : RANJITSINHA RAJA BHONSALE , J.**DATED : 26th FEBRUARY, 2026.****P. C. :-**

1. The present application is filed under Section 528 of the BNSS seeking to quash and set aside FIR No. 36 of 2025 dated 17th January, 2025, under Sections 376, 498(A), 504, 506, and 34 of the Indian Penal Code, registered with the Sinhagad Road Police Station.

2. The Learned Advocate for the Applicants submits that the parties have amicably settled and resolved all their disputes, and the divorce proceedings filed before the Family Court have been converted into divorce proceedings by mutual consent.

3. The Learned Advocate for the Applicant submits that a demand draft dated 23rd February, 2026, drawn on the Bank of Baroda for an amount of Rs. 7,00,000/- in favor of Respondent No. 2, has already been deposited/kept in the custody of the Nazar of the Family Court, Pune. The matter is posted on 6th March, 2026, for compliance and for the parties to seek divorce i.e. by mutual consent/final Order of divorce. Both the parties, i.e., Applicant No. 1 and Respondent No. 2, have agreed to appear before the Learned Family Court on 6th March, 2026.

4. Learned Advocate for Respondent No. 2 reiterates the said contention and submits that Respondent No. 2 has filed a duly affirmed Consent Affidavit dated 26th February, 2026. Respondent No. 2 is present in court and reiterates the contents of the said Affidavit dated 26th February, 2026. Respondent No. 2 is present in court and is identified by her Advocate.

5. The Consent Affidavit dated 26th February, 2026, indicates that the present disputes in respect of C.R. No. 36 of 2025 dated 17th January, 2025, filed at Sinhagad Police Station, arose out of matrimonial disputes. Respondent No. 2, by the said Affidavit, has specifically stated that pursuant to the mediation conducted, consent terms dated 11th August 2025, have been filed in Anticipatory Bail Application No. 516 of 2025. The Anticipatory Bail Application was disposed off in terms of the said

consent terms.

6. Respondent No. 2, in para 4 of the Consent Affidavit, has specifically stated that, based on the said consent terms, she has on 21st January 2026 duly withdrawn Criminal Misc. Application No. 2138 of 2024 pending before the learned Judicial Magistrate Court, Pune.

7. In para 5 of the Consent Affidavit, it is stated that the Divorce Petition has now been converted into divorce by mutual consent. On 25th February, 2026, the parties have completed the exchange of articles as per clause G (i) and G(ii) of the Consent Terms dated 11th August, 2025. A joint pursis dated 25th February, 2026, (incorrectly mentioned on the pursis as 25th February, 2025) has been filed before the family Court at Pune.

8. Respondent No. 2, in para 6 of the Consent Affidavit, acknowledges the fact that the demand draft of Rs. 7,00,000/- is deposited in the Family Court at Pune. In para 7 of the Consent Affidavit, Respondent No. 2 has given her consent for quashing C.R. No. 36 of 2025 dated 17th January, 2025, registered with Sinhagad Police Station. In para 8 of the Consent Affidavit, Respondent No. 2 has specifically stated that the Consent Terms are executed without any undue pressure, influence, and coercion. The present proceedings arise out of matrimonial disputes and are private in nature. The parties have resolved the disputes, settled them and have chosen to move forward in their respective lives.

9. Considering the above facts, the contents of the Consent Affidavit dated 26th February, 2026, filed by Respondent No. 2, as also the Consent Terms dated 11th August, 2025, I am inclined to quash and set aside the FIR bearing No. 36 of 2025 dated 17th January 2025 registered with the Sinhagad Road Police Station.

10. Applicant No. 1 and Respondent No. 2 are present in Court and, through their respective Advocates, make a statement that they will appear before the Family Court on 6th March, 2026, for further compliance for seeking a final order of divorce by consent. The statement is accepted, as an undertaking is given to this Court.

11. The Investigating Officer is directed to destroy the mobile phone of the Applicant No. 1 as per the undertaking given by the Petitioner. The Investigating Officer shall inform the Respondent No. 1 of the date and time as and when the said mobile phone will be destroyed. The Respondent No. 1 is at liberty to personally attend the Police Station on the said date or depute a representative.

12. In view thereof, the Application is allowed in terms of prayer clause (a).

(RANJITSINHA RAJA BHONSALE, J.)