

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

CRIMINAL APPLICATION NO. 1413 OF 2025

Mr. Raushan Kumar Ganesh Das And Ors. ...Applicants

Versus

The State of Maharashtra And Anr. ...Respondents

Mr. Jogendra Thakur a/w Mr. Sanjeet Mishra & Mr. Arvind K. Tiwari,
learned Advocates for the Applicants.

Applicant Nos. 1 to 7 are present in the Court.

Mr. Prasanna P. Malshe, learned A.P.P. for the State/Respondent.

Mr. Amar B. Tiwari, learned Advocate for Respondent No. 2.

Respondent No. 2 is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 17th FEBRUARY 2026.

P.C. :

1. Heard Mr. Jogendra Thakur, learned Advocate for the Applicants, Mr. Prasanna Malshe, learned A.P.P. for the State/Respondent and Mr. Amar Tiwari, learned Advocate for Respondent No. 2.

2. This Criminal Application is preferred by the Applicants under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing of the First Information Report bearing C.R. No. 246 of 2023 dated 13.03.2023 registered with Sakinaka Police Station, Mumbai for the offences punishable under Sections 498(A), 509, 323, 504 & 506 read with Section 34 of the Indian Penal Code, 1860 and the charge-sheet bearing Criminal Case No.

2096/PW/2023 pending before the learned Judicial Magistrate First Class, 66th Court at Andheri, Mumbai, arising out of the said FIR.

3. Applicant Nos. 1 to 7 are present in the Court along with their Advocate Mr. Jogendra Thakur. Mr. Jogendra Thakur identifies Applicant Nos. 1 to 7 and tenders photostat copies of Aadhar Cards of Applicant Nos. 1 to 7 as photo identity proof. The same are taken on record and marked as “**X Colly.**” for identification.

4. Respondent No. 2, who is present in the Court, is identified by her Advocate Mr. Amar Tiwari. Mr. Amar Tiwari tenders photostat copy of Aadhar Card of Respondent No. 2 as photo identity proof, which is taken on record and marked as “**X-1**” for identification.

5. Mr. Amar Tiwari tenders an Affidavit dated 24.11.2025 affirmed by Respondent No. 2 before the Notary Advocate Mr. Virendra Kumar Mishra, Mumbai. Same is marked as “**X-2**” for identification. Respondent No. 2, who is present in the Court, states that she has filed the said Affidavit dated 24.11.2025 (X-2) out of her own free will and without any pressure, force or coercion from any person. She states that the contents of Affidavit (X-2) are as per her say. She reiterates that the dispute between her and the Applicants is amicably resolved, as such she gives No Objection for quashing of the criminal proceedings.

6. Mr. Jogendra Thakur and Mr. Amar Tiwari relying on the Affidavit (X-2) filed by Respondent No. 2 submit that the

Applicants and Respondent No. 2 have amicably resolved their dispute. They submit that Applicant No. 1 (Husband) and Respondent No. 2 (Wife) have decided to part ways. They submit that the Divorce Petition bearing no. F/2594/2025 is filed by Respondent No. 2 before the Family Court, Bandra, Mumbai for divorce by mutual consent. They submit that Respondent No. 2 has agreed to withdraw all criminal proceedings filed by her against the Applicants. They therefore request that the criminal proceedings may not be continued.

7. Mr. Prasanna Malshe, learned A.P.P. for the State/Respondent submits that though the police machinery was put in action on the basis of the complaint filed by Respondent No. 2, however Applicant No. 1 and Respondent No. 2 having now resolved their matrimonial dispute and Respondent No. 2 giving her No Objection for quashing of the criminal proceedings read with her statements in the Affidavit (X-2), no purpose would be served by continuing with the criminal proceedings. He therefore submits that the impugned FIR and the criminal proceedings arising out of the impugned FIR can be quashed. He however insists for imposition of exemplary costs on the parties.

8. Mr. Jogendra Thakur, learned Advocate on instructions from Applicant Nos. 1 to 7, who are present in the Court and Mr. Amar Tiwari, learned Advocate on instructions from Respondent No. 2, who is present in the Court, state that appropriate cost would be paid.

9. Considering the facts as placed before me, the nature of

dispute, the matter being amicably settled between the Applicants and Respondent No. 2, the statements made on oath by Respondent No. 2 (Affidavit at X-2) and having regards to the pronouncements of 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** and ***Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.*³**, there is no impediment in allowing this Criminal Application.

10. In view of the above, Criminal Application is allowed in terms of prayer clause (b) subject to payment of cost of Rs. 25,000/- by the Applicants and Rs. 25,000/- by Respondent No. 2 as condition precedent. Consequently, the impugned FIR bearing C.R. No. 246 of 2023 dated 13.03.2023 registered with Sakinaka Police Station, Mumbai for the offences punishable under Sections 498(A), 509, 323, 504 & 506 read with Section 34 of the Indian Penal Code, 1860 and the subsequent charge-sheet bearing Criminal Case No. 2096/PW/2023 pending before the learned Judicial Magistrate First Class, 66th Court at Andheri, Mumbai, arising out of the impugned FIR, are quashed. Criminal proceedings against the Applicants arising out of the impugned FIR and the charge-sheet are closed.

11. Applicants shall deposit cost of Rs. 25,000/- in the following account within a period of 2 weeks from today and furnish proof of deposit before the Registry of this Court by filing an Affidavit of

1. (2012)10 Supreme Court Cases 303.
2. (2014)6 Supreme Court Cases 466.
3. (2017) 9 SCC 641.

compliance on or before 16.03.2026 :-

Bank Name : Axis Bank Limited
Branch Name : Worli, Mumbai (M.H.), Mumbai-400
025
Account Name : **Central Police Welfare Fund, Director
General MS, Mumbai**
Account Number : 914010029005759
IFSC Code : UTIB00000060

12. Respondent No. 2 shall deposit cost of Rs. 25,000/- in the following account within a period of 2 weeks from today and furnish proof of deposit before the Registry of this Court by filing an Affidavit of compliance on or before 16.03.2026 :-

The High Court Employees Medical Welfare Fund at Mumbai
Account No.: 000120110001337
Bank : Bank of India
Branch : Mumbai Main
IFSC Code : BKID00000001

13. Criminal Application No. 1413 of 2025 is disposed of in the above said terms.

[ASHWIN D. BHOBE, J.]

Digitally signed
by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
2026.02.24
21:24:11 +0530