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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1460 OF 2025

Himanshu Pravin Kapadia & Ors. ... Applicants

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. Dharmendra Damani, Advocate for Applicants.

Mr. Jindagi Shah a/w S. Khan & Sunil Shah, Advocate for Respondent No. 2.

Mr. Sukanta Karmakar, APP for Respondent – State.

Mr. Santosh Pagar – PSI, Kandivali Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATE : 19th JANUARY, 2026.

P.C. :

1. By the present Application, the Applicants have sought the following substantive reliefs :-

“b. FIR/CR No. 77 of 2015 registered under Sections 498-A, 420, 406, 328, 504 & 506 (2) r/w 34 of Indian Penal Code, 1860 registered on 16.02.2015 a/w Charge sheet No. 22/15 registered on 02.08.2015 with Kandivali Police Station, Kandivali (West), Mumbai upon Complaint filed by Mrs. Dharti Himanshu Kapadia i.e. Respondent No. 2 herein may be quashed and set aside.”

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This order has been modified by speaking to the minutes of the order dated 1st April, 2026.

2. Applicants along with their Advocate Mr. Dharmendra Damani, are present in Court. Respondent No. 2 is present in Court with her Advocate Mr. Jindagi Shah.

3. Mr. Dharmendra Damani and Mr. Jindagi Shah, jointly tender affidavit dated 19th January, 2026 affirmed by the Respondent No. 2 before Notary S. N. Dhange. Said affidavit dated 19th January, 2026 is taken on record and marked 'X' for identification.

4. Respondent No. 2 (Mrs. Dharti Himanshu Kapadia) states that the affidavit ('X') 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') are as per her say. She states that she and the Petitioner No. 1 – husband have decided to separate.

5. Mr. Dharmendra Damani and Mr. Jindagi Shah and the parties present today in Court jointly submit that the matrimonial dispute between the Petitioner No.1 and Respondent No. 2 is amicably settled.

6. Mr. Sukanta Karmakar, learned APP for the State, submits that the Applicant No. 1 and the Respondent No. 2, having decided to part ways and having amicably resolved their matrimonial issues, the FIR as well as the criminal proceedings arising out of the FIR can be quashed.

7. In view of the settlement between the parties and the statement made by the Respondent No. 2 in her affidavit ('X'), Criminal Application is allowed in terms of prayer clause (b). Consequently, FIR / CR No. 77 of 2015 registered with Kandivali (West), Mumbai Police Station and Charge-sheet No. 22 /15 pending on the file of Dindoshi Court are quashed. Criminal proceedings arising out of the impugned FIR, charge-sheet bearing No. 77 of 2015 and the order framing charge in the said crime are quashed and criminal proceedings arising out of impugned FIR are closed.

8. There shall be no order as to costs.

(ASHWIN D. BHOBE, J.)