

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

CRIMINAL APPLICATION NO. 1490 OF 2025

Shridhar Narkar And Ors.

...Applicants

Versus

The State of Maharashtra And Anr.

...Respondents

Mr. Prashant Badole, learned Advocate for the Applicants.

Applicant Nos. 1 & 3 appearing through VC.

Applicant No. 2 is present in the Court.

Ms. Shilpa G. Talhar, learned A.P.P. for the State/Respondent.

Ms. Vishranti Jain @ Navale, learned Advocate for Respondent No. 2.

Respondent No. 2 appearing through VC.

PSI Mr. Sagar Bhosale attached to Kapurbavadi Police Station is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 16th FEBRUARY 2026.

P.C. :

1. Heard Mr. Prashant Badole, learned Advocate for the Applicants, Ms. Shilpa Talhar, learned A.P.P. for the State/Respondent and Ms. Vishranti Jain, 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 No. 959 of 2024 dated 02.12.2024 registered with Kapurbawdi Police Station, District-Thane for the offences punishable under Sections 498(A), 504 & 506 read with Section 34 of the Indian Penal Code,

1860 and the charge-sheet bearing Regular Criminal Case No. 2761 of 2025 pending before the learned Judicial Magistrate First Class at Thane, arising out of the said FIR.

3. Applicant No. 2 is present in the Court along with his Advocate Mr. Prashant Badole. Applicant Nos. 1 & 3 appear through Video Conference, are identified by Advocate Mr. Prashant Badole. He tenders photostat copies of Aadhar Cards of Applicant Nos. 1 & 2 and Driving Licence of Applicant No. 3 as photo identity proof. The same are taken on record and marked as “**X Colly.**” for identification.

4. Respondent No. 2 appears through Video Conferencing, is identified by her Advocate Ms. Vishranti Jain. Ms. Vishranti Jain tenders photostat copies of Aadhar Card & Passport of Respondent No. 2 as photo identity proof, which are taken on record and marked as “**X-1 Colly.**” for identification.

5. Ms. Vishranti Jain states that Affidavit dated 17.12.2025 (at page nos. 71 to 77 of the paper-book), is affirmed by Respondent No. 2 before the Notary Advocate Christine Dale Jankus, Adelalde, South Australia. Same is marked as “**X-2**” for identification. Respondent No. 2 appears through Video Conference, states that she has filed the said Affidavit dated 17.12.2025 (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. Prashant Badole and Ms. Vishranti Jain relying on the Affidavit (X-2) filed by Respondent No. 2 submit that the Applicants and Respondent No. 2 have amicably resolved their matrimonial 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. A/21/2025 filed by Respondent No. 2 before the Family Court, Thane, shall be converted into a Petition for Divorce by Mutual Consent under Section 13B of the Hindu Marriage Act, 1955. They submit that out of the said wedlock, girl child Ms. Shreshtha Narkar, aged 11 years, was born and it is mutually agreed between Applicants and Respondent No. 2 that the permanent and exclusive custody of the said minor daughter shall remain with Respondent No. 2-mother. They submit that the entire dispute has been resolved by them by filing Consent Terms dated 25.11.2025 (Exhibit-C at Page Nos. 63 to 70 of the paper-book), which terms were signed by Applicant No. 1 & Respondent No. 2 before the Marriage Counsellor, Family Court, Thane on 03.12.2025. The same are marked as “X-3” for identification. They submit that the Consent Terms have been accepted by the Family Court, Thane and the matter is posted for divorce by mutual consent. They submit that Applicants and Respondent No. 2 have resolved the entire controversy/dispute as recorded in the Consent Terms. 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. Ms. Shilpa Talhar, 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. She therefore submits that the impugned FIR and the criminal proceedings arising out of the impugned FIR can be quashed. She however insists for imposition of exemplary costs on the parties.

8. Mr. Prashant Badole, learned Advocate for the Applicants on instructions from Applicant No. 1, who is present in the Court and Ms. Vishranti Jain, learned Advocate for Respondent No. 2 on instructions, 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), the Consent Terms dated 25.11.2025 (X-3) 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.

1. (2012)10 Supreme Court Cases 303.

2. (2014)6 Supreme Court Cases 466.

3. (2017) 9 SCC 641.

10. In view of the above, Criminal Application is allowed in terms of prayer clause (b) subject to payment of cost of Rs. 50,000/- by the Applicants and Rs. 25,000/- by Respondent No. 2 as condition precedent. Consequently, the impugned FIR bearing No. 959 of 2024 dated 02.12.2024 registered with Kapurbawdi Police Station, District-Thane for the offences punishable under Sections 498(A), 504 & 506 read with Section 34 of the Indian Penal Code, 1860 and the subsequent charge-sheet bearing Regular Criminal Case No. 2761 of 2025 pending before the Judicial Magistrate First Class at Thane, 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. 50,000/- 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 :-

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	:	UTIB0000060

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 : BKID0000001

13. Criminal Application No. 1490 of 2025 is disposed of in the above said terms.

[ASHWIN D. BHOBE, J.]

GITALAXMI
KRISHNA
KOTAWADEKAR

Digitally signed
by GITALAXMI
KRISHNA
KOTAWADEKAR
Date:
2026.02.23
18:47:32 +0530