LAXMIKANT GOPAL CHANDAN
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1599 OF 2025

Ramdas Shivram Parab : Applicant
Versus
The State of Maharashtra and Anr. : Respondents.

Mr. Pratik Deepak Surti for the Applicant.
Mrs. P P Bhosale, APP for the Respondent/State.
Mr. Tanmay Vispute for Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 07 MARCH 2026

PC:-

1. At the out set, Mr Pratik Surti, learned Advocate for the Applicant, submits that by inadvertence reference to the FIR remained to be mentioned in the prayer clause. He, therefore, craves leave to amend the prayer clause. The request is not objected to by the learned APP and the learned Advocate for the Respondent No.2

2. In view of the no objection, leave granted to amend the prayer clause. Amendment to be carried out forthwith.

3. Heard Mr. Pratik Surti, learned Advocate for the Applicant, Mrs. P P Bhosale, learned APP for the

Respondent/State and Mr. Tanmay Vispute, learned Advocate for Respondent No.2.

4. This Application under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is preferred by the Applicant for quashing the FIR bearing No.411 of 2017 dated 27 September 2017 (impugned FIR) registered with the Chakop Police Station for the offence punishable under Section 498A, 323, 504 and 506 of the Indian Penal Code, and the chargesheet bearing No.1 of 2017 registered as Case No.3025/PW/2017 pending before the Additional Judicial Magistrate, 24 Court at Borivali, Mumbai arising out of the impugned FIR

5. Applicant is present in the Court and is identified by his Advocate Mr. Pratik Surti. He tenders the Photostat copy of the Identity Card of the Applicant, which is taken on record and marked as **"X"** for identification.

6. Respondent No.2 is present in the Court and is identified by her Advocate Mr. Tanmay Vispute. He tenders the Photostat copy of Identity Card of Respondent No.2, which is taken on record and marked as **"X-1**" for identification.

7. Mr. Tanmay Vispute states that the Affidavit dated 02 January 2026 affirmed by Respondent No.2 before the Registry of this Court, is placed on record, the same is marked as **"X-2"** for identification.

8. Respondent No. 2 states that the said Affidavit (X-2) 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-2) are as per her say. She reiterates her no objection for quashing of the criminal proceedings.

9. Advocate Mr. Pratik Surti and Mr. Tanmay Vispute submits that the dispute which is the subject matter of this Application is the matrimonial dispute between the Applicant (husband) and the Respondent No.2 (wife). They submit that the Applicant and the Respondent No.2 had filed the proceedings before the Family Court seeking divorce which proceedings were registered as Divorce Petition No A-2008 of 2024. They submit that during pendency of the said proceedings before the Family Court, the Petitioner and the Respondent No.2 have filed the Consent Terms and prayed for divorce by mutual consent. They submit that the said Consent Terms filed before the Family Court are placed on record at pages 39 to 41. The same is marked as "X-3" for identification. They submit that in view of the settlement, the Respondent No.2 has filed Affidavit (X-2) giving her no objection for quashing of the impugned FIR and the chargesheet. They therefore request that the impugned FIR and the challenged be quashed.

10. Mrs. P P Bhosale, learned APP for the Respondent/State submits that Respondent No.2 having filed her Affidavit (X-2) and given no objection for quashing the criminal proceedings,

she has no objection for quashing the criminal proceedings. She submits that matrimonial dispute was unnecessary brought before the criminal investigating agency, she therefore insists for imposition of costs on the parties.

11. Mr. Pratik Surti and Mr. Tanmay Vispute, on instructions, submits that the Applicants and Respondent No.2 shall deposit appropriate costs.

12. Considering the aforesaid circumstances, the submissions made by the learned Advocates, the nature of dispute being a matrimonial discord, the matter being settled between the Applicant and the Respondent No.2, the statement made by the Respondent No. 2 in the Affidavit (X-2) and the Consent Terms (X-3), no useful purpose is likely to be served by allowing a criminal prosecution to continue. Having regards to the pronouncements of the Hon'ble Supreme Court in the case of *Gian Singh vs State Of Punjab*[1], *Narinder Singh And Ors vs State Of Punjab And Anr*[2], and *Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat*[3], there is no impediment in allowing this Application.

13. In view of the above, Criminal Application No.1599 of 2025 is allowed in terms of prayer clause (a) subject to payment of costs of Rs.20,000/- (Rs.10,000/- by the Applicant and Rs.10,000/- by the Respondent No.2). Payment of costs is a condition precedent. Consequently, the impugned FIR and

1 2012 10 SCC 303
2 2014 6 SCC 466
3 2017 9 SCC 641

the chargesheet bearing No.1 of 2017 registered as Case No.3025/PW/2017 pending before the Additional Judicial Magistrate, 24 Court at Borivali, Mumbai are quashed. The Applicant and the Respondent No.2 shall deposit the costs of Rs.10,000/- each in the below mentioned Account within a period of two weeks from today and file in the Registry of this Court the compliance affidavit along with the proof of deposit on or before 30 March 2026.

The High Court Employees Medical Welfare Fund at Mumbai
Account No.: 000120110001337
Bank : Bank of India
Branch : Mumbai Main
IFSC Code : BKID0000001

14. The Criminal Application No.1599 of 2025 is disposed of.

(ASHWIN D. BHOBE, J.)