

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1619 OF 2025

Mohammad Hasan Naushad Siddique ...Applicant

Versus

The State of Maharashtra And Anr. ...Respondents

Mr. Viral Rathod a/w Ms. Shivani Shinde i/b Mr. A. A. Sothe, learned Advocates for the Applicant.

Mr. Mohammad Hasan Naushad Siddique, Applicant is present in-person.

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

Mr. Saif Ali Shaikh, learned Advocate for Respondent No. 2.

Ms. Meenaz Feroz Shaikh, Respondent No. 2 is present in-person.

CORAM : ASHWIN D. BHOBE, J.

DATE : 7th JANUARY 2026.

P.C. :

1. Heard Mr. Viral Rathod, learned Advocate for the Applicant, Mr. Prasanna Malshe, learned A.P.P. for the State/Respondent and Mr. Saif Ali Shaikh, learned Advocate for Respondent No. 2.

2. By the present Application filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**”), the Applicant/Accused in Crime No. 730 of 2025 registered with Andheri Police Station, Mumbai for the offence punishable under Sections 69 & 79 of the Bharatiya Nyaya Sanhita, 2023, is before this Court seeking the following substantive reliefs :-

“A. *This Hon’ble Court be pleased to quash and set aside*

FIR bearing CR No. 730 of 2025 against the Applicant registered at Andheri Police Station, Mumbai for the offence punishable under Sections 69 and 79 of the Bharatiya Nyaya Sanhita, 2023 on such terms and condition as this Hon'ble Court deems fit.

B. Pending the hearing and final disposal of this Application, further proceedings in CR No. 730 of 2025 against the Applicant registered at Andheri Police Station, Mumbai be stayed.”

3. Applicant is present in-person alongwith his Advocate Mr. Viran Rathod. Respondent No. 2 is present in-person alongwith her Advocate Mr. Saif Ali Shaikh. Applicant and Respondent No. 2 are identified by their Advocates Mr. Saif Ali Shaikh and Mr. Saif Ali Shaikh respectively.

4. Mr. Saif Ali Shaikh, learned Advocate undertakes to file his vakalatnama on behalf of Respondent No. 2 in the Registry by 08.01.2026. Statement accepted.

5. Mr. Saif Ali Shaikh, learned Advocate tenders an Affidavit dated 07.01.2026 of Respondent No. 2 alongwith the photostat copies of Notice of Intended Marriage under the Special Marriage act, 1954 of the Applicant and Respondent before the Marriage Officer, Mumbai Suburban, scheduled to be solemnized within a period of three calendar months, filed by them on-line on 29.12.2025 and the Aadhar Card of Respondent No. 2. Affidavit dated 07.01.2026 of Respondent No. 2 alongwith the photostat copies of the Notice of Intended Marriage under the Special Marriage act, 1954 filed on-line on 29.12.2025 and the Aadhar Card of Respondent No. 2 are taken on record and marked 'X colly.'

for identification.

6. Respondent No. 2 (Ms. Meenaz Feroz Shaikh) admits her signature on the Affidavit, at points 'A', 'A2' & 'A3' on page nos. 1, 3 & 4 of the said Affidavit dated 07.01.2026. She states that the said Affidavit is filed out of her own free will and without any pressure or coercion from any person. She states that the contents of paragraph Nos. 1 to 8 of the Affidavit dated 07.01.2026 are as per her say. She states that she has resolved the issue amicably with the Applicant and therefore, decided to marry with the Applicant.

7. Mr. Viral Rathod, learned Advocate for the Applicant and Mr. Saif Ali Shaikh, learned Advocate for Respondent No. 2 jointly submit that the Applicant and Respondent No. 2 want to marry and stay together as husband and wife. They therefore submit that the criminal proceedings filed by the Respondent No. 2 against the Applicant may not be continued and the same be quashed.

8. Mr. Prasanna Malshe, learned A.P.P. for the State/Respondent submits that as the Applicant and Respondent No. 2 have resolved their dispute amicably and want to marry, no purpose would be served in continuing with the criminal proceedings. He submits that the impugned FIR and the criminal proceedings may be quashed, based on the statements made by Respondent No. 2 in the Affidavit at 'X Colly.' and the statements today made before this Court by the Applicant, Respondent No. 2 and the Advocates representing them.

9. The Hon'ble Supreme Court in the case of ***Sandeep Singh***

Thakur Vs. State of Madhya Pradesh and Anr.¹, after considering the parties to the said proceedings having reconciled their differences and married, with the intervention of the Court, the Hon'ble Supreme Court was pleased to set aside the conviction of the Appellant under Sections 376 (2)(n) & 417 of the Indian Penal Code, 1860 and quash the criminal proceedings initiated by the Respondent therein.

10. In the instant case, Applicant and Respondent No. 2 want to marry and stay together as husband and wife, as submitted by the learned Advocates for the parties and as admitted by the Applicant and Respondent No. 2 present in the Court.

11. Considering the facts as placed before me, the settlement arrived between the parties, the statements made on oath by Respondent No. 2 (Affidavit at X Colly.) and guided by the decision of the Hon'ble Supreme Court in the case of ***Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.²***, I deem it fit and proper to exercise powers under Section 528 of the BNSS to quash the criminal proceedings.

12. Criminal Application is therefore allowed in terms of prayer clauses (a) & (b). The FIR at Crime No. 730 of 2025 registered with Andheri Police Station, Mumbai for the offence punishable under Sections 69 & 79 of the Bharatiya Nyaya Sanhita, 2023 is quashed and set aside.

1 2025 SCC OnLine SC 2927.

2 (2017) 9 SCC 641.

13. Criminal Application No. 1619 of 2025 is disposed of.

[ASHWIN D. BHOBE, J.]

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by GITALAXMI
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