

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1647 OF 2025

Mr. Husain Iqbal Bohra & Ors. ... Applicants.

V/s.

The State of Maharashtra & Anr. ... Respondents.

Mr. Aadesh Konde Deshmukh h/f. Mr. Ammar Kanorwale, Ms. Nafisa Asarwale h/f. Ammar AK Legal Solutions, Advocate for Applicants.

Ms. Sheeba Khan, a/w. Samea Sharif, Advocate for the Respondent No. 2.

Mr. Sukanta Karmakar, APP for Respondent/State.

Complainant Zainab K. Sadriwala present.

CORAM : ASHWIN D. BHOBE, J.

DATE : 14th JANUARY, 2026.

P.C. :

1. By the present Application filed under Article 226 of the Constitution of India and Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, the Applicants have sought for the following substantive relief :

“a. That this Hon'ble Court be pleased to exercise its inherent powers under Section 528 of the Bharatiya

Nagarik Suraksha Sanhita, 2023 and/or under Article 226 of the Constitution of India and quash and set aside F.I.R. C.R. No. 0034 of 2024 registered with the Kashmirira Police Station and all consequent proceedings arising therefrom.”

2. On 12th January, 2026, following order was made :

“1. Heard Mr. Aadesh Konde Deshmukh, learned Advocate for the Applicants and Ms. Sheeba Khan, learned Advocate for the Respondent No. 2.

2. Mr. Aadesh Konde Deshmukh, learned Advocate for the Applicant seeks permission to permit Applicant Nos. 2, 3 and 4 on V.C. mode, on the next date. Mr. Sukanta Karmakar, learned APP and Ms. Sheeba Khan, learned Advocate for the Respondent No. 2 do not object to the said request made by Mr. Aadesh Konde Deshmukh. Permission granted, subject to Mr. Aadesh Konde Deshmukh producing photo identity documents duly certifying and verifying the identity of the said Applicants.

3. At the request of Mr. Aadesh Konde Deshmukh, list the matter on 14th January, 2026.”

3. Today, Mr. Aadesh Konde Deshmukh, learned Advocate for the Applicants states that the Applicant No. 1 is based in Dubai and therefore, he requests to permit the Applicant No. 1 to appear through V.C. mode. Request made by Mr. Aadesh Konde Deshmukh, is not objected to by Mr. Sukanta Karmakar, learned APP for the State and Ms. Sheeba Khan, learned Advocate for the Respondent No. 2, as such Applicant No.1 is also permitted to

appear through V.C. mode.

4. Applicant Nos. 1, 2, 3 and 4 are appearing through V.C. mode. Mr. Aadesh Deshmukh, learned Advocate for the Applicants identifies the Applicants and tenders photo identity cards (4 Nos.) of the Applicants duly certified by him, which are jointly taken on record and marked “**X colly.**” for identification.

5. Respondent No. 2 is present alongwith her Advocate Ms. Sheeba Khan. Ms. Sheeba Khan, learned Advocate states that the Respondent No. 2 identifies all the Applicants who are appearing through the V.C. mode.

6. Ms. Sheeba Khan, learned Advocate for the Respondent No. 2 states that the Respondent No. 2 has filed affidavit of the Respondent No. 2 dated 30th December, 2025 verified before the Assistant Registrar of this court, same is marked “**X-2**” for identification (page Nos. 36 to 41). Respondent No. 2 (Zanab K. Sadriwala alias Mrs. Zanab Hussain Bora) admits her signature at point “A” and “A-1” of the affidavit (marked as “**X-2**”) at page Nos. 40 and 41. Respondent No. 2 states that the affidavit (“**X-2**”) is

filed out her own free will and without any coercion or pressure from any person. She further states that the contents of the affidavit (“X-2”) are true to her knowledge. She states that the matrimonial dispute she had with the Applicants has been resolved by her and as such, she does not intend to continue with the criminal proceedings initiated by her. She refers to paragraph Nos. 8 and 9 of the Affidavit (“X-2”) which are transcribed herein below:-

“8. I say that I don't want to prosecute or depose against the Applicants in any Court of law as matter has been amicably settled between us.

9. I say that I do not want to further pursue with the above-mentioned First Information Report No. 0034 of 2024 registered with Kashimira Police Station, on 20th January, 2024, and I have no objection, if the above said FIR is Cancelled /Quashed/Withdrawn.”

7. Applicants appearing through V.C. mode state that the family issues between them and the Respondent No.2 are amicably settled.

8. Mr. Aadesh Konde Deshmukh, and Ms. Sheeba Khan, jointly submits that the Applicants and the Respondent No. 2 having resolved the issues between them and the Respondent No.

2 having voluntarily agreed to withdraw the criminal proceedings filed by her against the Applicants, they request that criminal proceedings may not be continued and the same be quashed.

9. Mr. Sukanta Karmakar, learned APP for the State after having perused Affidavit (“X-2”) and more particularly, paragraph Nos. 8 and 9 states that the Respondent No. 2 having herself stated that she does not want to prosecute or depose against the Applicants in the court, no purpose would be served in continuing with the said criminal proceedings. He therefore, submits that based on paragraph Nos. 8 and 9 of the said Affidavit (“X-2”) and the statement made by the Respondent No. 2 before this Court, criminal proceedings be quashed.

10. Considering the statements made by the Respondent No. 2 in paragraph Nos. 8 and 9 of the Affidavit (“X-2”) as also today before this court and guided by the decision of the Hon’ble Supreme Court in 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.*¹, I deem it fit and

¹(2017) 9 SCC 641.

proper to exercise powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (for short '**BNSS**') to quash the criminal proceedings which are subject matter of this Petition.

11. The Petition is therefore allowed in terms of prayer clause (a). Consequently, FIR bearing No. 0034 of 2024 registered with Kashimira Police Station, Mira-Bhayandar, Vasai-Virar is quashed.

12. Criminal Application No. 1647 of 2025 is disposed of..

(ASHWIN D. BHOBE, J.)