

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1658 OF 2025

Mr. Sagar Dharmesh Badiyani & Ors. ... Petitioners.

V/s.

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

Mr. Viral Rathod a/w. Ms. Ankita Pandey & Mr. Vishwatej Jadhav & Mr. Shivani Shinde, i/b. Mr. Rakesh Kumar Singh, Advocate for Petitioners.

Mr. Prasanna Malshe, APP for Respondent/State.

Mr. R.B. Mungekar a/w. Mr. Sudhanshu Sawant, Advocate for Respondent No. 2.

Mr. Kalidas N. Dhaware, Police Sub-Inspector(Pairavi) L.T. Marg Police Station, Mumbai.

CORAM : ASHWIN D. BHOBE, J.

DATE : 14th JANUARY, 2026.

P.C. :

1. At the outset, Mr. Viral Rathod, learned Advocate for the Applicants craves leave to carry out amendment to correct the mistake in prayer clause A and B of the memo of the Application.

Request not objected to by the Respondents. Leave granted.
Amendment to be carried out forthwith.

2. 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. This Hon'ble Court be pleased to quash and set aside FIR, Charge- Sheet and Criminal Proceedings bearing PW/2800747/2023 arising out of FIR, bearing 1046 of 2022 against the Applicants registered at the L. T Marg Police Station for the offence punishable under sections 498A, 354,406 and 34 of Indian Penal Code pending on the file of Hon'ble 28th Court, Judicial Magistrate First Class (28th court) at Esplanade Court, Mumbai on such terms and condition as this Hon'ble Court deems fit.”

3. The Applicant Nos. 1 to 4 alongwith their Advocate Mr. Viral Rathod are present in the court. Respondent No. 2 is present alongwith her Advocate Mr. Sudhanshu Sawant.

4. Mr. Sudhanshu Sawant, learned Advocate for the Respondent No. 2 has tendered an affidavit dated 14th January, 2026 affirmed by the Respondent No. 2 before the Advocate and

Notary Mr. Shane Cardoz. The said affidavit alongwith copy of Adhar Card are taken on record and marked “X colly.” for identification.

5. Respondent No. 2 (Shraddha Sagar Badiyani Alias Shraddha Jitesh Thakkar) identifies her signature on the affidavit at point “1-A”. Respondent No. 2 states that the affidavit (“X colly”) is filed out her own free will and without any coercion or pressure from any person. She states that the contents of the paragraph Nos. 1 to 8 of the affidavit (“X colly”) are as per her say. She state that the matrimonial disputes she had with the Applicant No. 1 is resolved before the Family Court as such she does not intend to pursue with the complaint filed by her against the Applicants.

6. Applicants present today before the court state that the matrimonial dispute between them and the Respondent No. 2 is settled.

7. Mr. Viral Rathod, learned Advocate for the Applicants

and Mr. Sudhanshu Sawant, learned Advocate for Respondent No. 2 jointly submit that the Applicant No. 1 and the Respondent No. 2 having resolved their matrimonial dispute, the criminal proceedings filed by the Respondent No. 2 against the Applicants may not be continued and the same be quashed.

8. Mr. Prasanna Malshe, learned APP for the State after perusing the affidavit at “X colly.” submits that considering the statement made by the Respondent No. 2 before this Court, as also in paragraph Nos. 5 and 6 of the affidavit, no purpose would be served in continuing with the criminal proceedings. As such he states that the criminal proceedings be quashed.

9. Considering the above referred facts, the statements made by the Respondent No. 2 in her affidavit (“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.*¹, I deem it fit and proper to exercise powers under Section 528 of the Bharatiya Nagarik Suraksha

1 (2017) 9 SCC 641.

Sanhita, 2023 to quash the criminal proceedings which are subject matter of this Application.

10. Criminal Application is therefore allowed in terms of prayer clause (A). Consequently, FIR bearing No. 1046 of 2022 registered against the Applicants at L.T. Marg Police Station, Mumbai and the charge-sheet registered as Criminal Case No. PW/2800747/2023 pending before Judicial Magistrate First Class, the 28th Court, Esplanade Court, Mumbai are quashed.

11. Criminal Application No. 1658 of 2025 is disposed of .

(ASHWIN D. BHOBE, J.)