

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.884 OF 2010
WITH
INTERIM APPLICATION NO.271 OF 2026

Prasad Pandurang Padiyar and Anr. ...Petitioners/ Applicants
Versus
The State of Maharashtra and Anr. ...Respondents

Mr. J.S. Kini a/w Sapna Krishnappa and Jagruti Yadav i/by
Suresh Dubey, *for the Petitioners.*
Ms. Megha S. Bajoria, *APP for the Respondent No.1 - State.*
Mr. Dilip Bodake a/w Shreeniwas Magar and Shraddha Pawar,
for the Respondent No.2.

CORAM DR. NEELA GOKHALE, J.
DATED: 20TH FEBRUARY 2026

PC:-

1. Leave to amend the prayer clause to add prayer seeking quashing and setting aside the FIR as well as the charge-sheet therein is granted. Amendment be carried out forthwith.

2. By this Petition, the Petitioners seek quashing and setting aside of FIR No. 136 of 2005 dated 1st June, 2005

registered with the Dombivli Police Station, along with the charge-sheet.

3. The Petitioner Nos.1 and 2 are the husband and mother-in-law, respectively, of Respondent No.2.

4. The brief facts of the case are that the Petitioner No.1 and Respondent No.2 were married on 3rd April, 2005, at Wadala, Mumbai as per Hindu rites. There are no children of the said wedlock. During their marriage, there were some differences between the parties, which led to a matrimonial discord. The Petitioner No.1 had filed a petition bearing no. A-1792 of 2005 before the Family Court at Bandra, Mumbai for annulment of marriage under the provisions of Section 12(1) (a) of the Hindu Marriage Act, 1955. He, thereafter, amended the prayer and sought dissolution of marriage on the ground of cruelty under Section 13(1)(ia) of the Hindu Marriage Act, 1955. Thereafter, Respondent No.2 also filed a petition bearing no. A-1514 of 2008 before the Family Court seeking dissolution of marriage. Vide judgment and order dated 9th

October, 2009, Petition No. A-1792 of 2005 filed by the Petitioner No.1 was allowed and the marriage between the parties was dissolved by a decree of divorce. However, Petition No. A-1514 of 2008 filed by the Respondent No.2 herein was dismissed. The Respondent No.2 assailed the judgment and order dated 9th October, 2009 passed by the Family Court in Petition No. A-1792 of 2005 before this Court. Thereafter, by order dated 2nd March, 2010 she sought permission to withdraw the said appeal. Accordingly, this Court permitted to withdraw the said appeal and the appeal was disposed of as withdrawn.

5. In the meantime, the Respondent No.2 lodged FIR dated 1st June, 2005 with the Dombivli Police Station. After investigation, the concerned police officials filed the charge-sheet in the said CR before JMFC at Kalyan. Hence, the Petitioners have approached this Court for the reliefs as prayed. During the course of hearing of the present Petition the parties decided to settle the matter amicably and

accordingly, they have filed the consent terms in the matter. The consent terms are signed by both the parties. Both the parties are identified by their respective counsel and the counsels have also put their signatures on the said consent terms. The consent terms are taken on record and marked as 'X' for identification. The consent terms are also supported by separate affidavits of Petitioner No.1 and Respondent No.2. The said Affidavits are affirmed and attested before the Assistant Registrar, Appellate Side, High Court, Bombay. In the averments in the affidavit of the Petitioner in Paragraph No.5, the Respondent No.2 has also undertaken and agreed that she has unconditionally withdrawn the allegations made by her against Petitioner No.1 in the marriage petition as well as other proceedings. The Court is informed that since the Petitioner No.2 is more than 80 years of age, she is unable to attend the Court. However, on her instructions, Mr. Kini confirmed that she has agreed to the said consent terms supported by the Affidavits.

6. Considering that the parties have settled the matter, the impugned FIR and the charge-sheet is quashed and set aside. Since, the Respondent No. 2 has withdrawn her appeal against the Judgment, Order and Decree passed by the Family Court, Bandra, the findings in the said Judgment stand confirmed. However, in view of the consent terms filed by the parties in the present matter, on the basis of which the FIR and charge-sheet are quashed, the observations and findings in the Judgment, Order and Decree dated 9th October 2009 passed in Petition No. A-1792 of 2005, pertaining to the allegations made by the parties against each other, stand expunged. The consent terms and affidavits shall form part and parcel of the present order. The Writ Petition is disposed of in the aforesaid terms.

7. In view of the disposal of the Writ Petition, nothing survives for consideration in the Interim Application and the same is also disposed of.

8. In view of the same, case bearing RCC No.293/2005 pending before the JMFC Court, Kalyan, is quashed and set aside.

(DR. NEELA GOKHALE, J)