

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 163 OF 2026

Sher Ali Khan and Ors. ... Petitioners
V/s.
The State of Maharashtra & Anr. ... Respondents

Mr. Galib Shaikh a/w Mr. R. R. Tiwari, Advocate for Petitioners.

Mr. Zoheb Merchant, Advocate for Respondent No. 2.

Mr. Kiran Shinde, APP for Respondent - State.

Mr. Dipak Thorat – PSI, Oshiwara Jogeshwari (West), Mumbai.

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CORAM : ASHWIN D. BHOBE, J.

DATE : 21st JANUARY, 2026.

P.C. :

1. Heard, Mr. Galib Shaikh, learned Advocate for the Petitioners, Mr. Zoheb Merchant, learned Advocate for Respondent No. 2 and Mr. Kiran Shinde, learned APP for Respondent No. 1 - State.

2. By the present Petition filed under Article 226 of the Constitution of India and Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), Petitioner has sought for quashing of the FIR bearing No. 1252 of 2022 dated 12th

August, 2022 (“FIR”), for the offences punishable under Sections 498A, 406, 323, 504, 506 r/w 34 of the Indian Penal Code, 1860 and the Charge-sheet bearing No. 3279/PW/2023 on the file of Judicial Magistrate, First Class Railway Mobile Court at Andheri arising out of the FIR. Petitioners have sought for the following substantive reliefs in prayer clause (b) :-

“b. This Hon'ble Court may be pleased to quash and set aside the order of cognizance dated 27/9/2023 passed by the Ld. Judicial Magistrate (First Class) Railway Mobile Court at Andheri, Mumbai in proceedings bearing no. 3279/PW/2023 and further be pleased to quash and set aside the Chargesheet and Criminal Proceeding bearing proceedings bearing no. 3279/PW/2023 on the file of Ld. Judicial Magistrate (First Class) Railway Mobile Court at Andheri, Mumbai arising out of chargesheet arising out of the FIR bearing No. 1252 of 2022 dated 12.08.2022 for the offences u/s. 498A, 406, 323, 504, 506 r/w. 34 of the Indian Penal Code, 1860 registered with Oshiwara Police Station against the Petitioners;”

3. Mr. R. R. Tiwari, learned Advocate for the Petitioners and Mr. Zoheb Merchant, Advocate for Respondent No. 2 (Complainant), state that their respective parties are present in Court and they identify them.

4. Mr. Zoheb Merchant tenders an affidavit dated 21st January, 2026 of the Respondent No. 2 (Umme Salma Sher Ali

Khan) affirmed by her before Notary Mr. S. N. Dhange along with the photo identity card of Respondent No. 2, same are taken on record and marked '**X-colly**' for identification. Respondent No. 2 states that the affidavit '**X-colly**' is filed out of her own free will and without any pressure or coercion from any person and that the contents of the affidavit are as per her say. She reiterates before this Court that she has no objection to quashing of the criminal proceedings, which are subject matter of this Petition.

5. Mr. R. R. Tiwari, learned Advocate for the Petitioner and Mr. Zoheb Merchant, Advocate for Respondent No. 2, jointly submit that the parties having amicably settled the matter, the criminal proceedings be quashed.

6. Mr. Kiran Shinde, learned APP for the State by referring to the statements made by Respondent No. 2 today before the Court and in the affidavit in paragraph Nos.7 & 8 '**X-colly**' submits that the criminal proceedings can be quashed.

7. Considering the aforesaid circumstances, the matter being amicably settled between the parties and the Respondent

No. 2 giving her no objection for quashing the criminal proceedings, this Petition is allowed in terms of prayer clause (b). Consequently, the impugned FIR bearing No. 1252 of 2022 dated 12th August, 2022 and Charge-sheet bearing No. 3279 / PW/ 2023 are quashed.

8. There shall be no order as to costs.

(ASHWIN D. BHOBE, J.)