

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 206 OF 2026

Harshit Naresh Gandhi And Ors.

...Petitioners

Versus

The State of Maharashtra and Anr.

...Respondents

Ms. Priyanka H. Chavan, learned Advocate for the Petitioners.
Petitioner Nos. 1 to 3 are present in the Court.

Mr. Tanveer G. Khan, learned A.P.P. for the State/Respondent.

Mr. Saurabh Mehta, learned Advocate for Respondent No. 2.

Respondent No. 2 is present in the Court.

IO PSI Ms. Arati Sonawane attached to Malabar Hill Police Station is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 17th JANUARY 2026.

P.C. :

1. Heard Ms. Priyanka Chavan, learned Advocate for the Petitioners, Mr. Tanveer Khan, learned A.P.P. for the State/Respondent and Mr. Saurabh Mehta, learned Advocate for Respondent No. 2.

2. By the present Petition, the Petitioners have sought for the following substantive relief in terms of prayer clause 9(a) :-

“a. This Hon’ble Court may be pleased to quash and set aside the F.I.R. dated 13.10.2025, bearing C.R. No. 365 of 2025, registered with the Malabar Hill Police Station, Mumbai.”

3. Mr. Saurabh Mehta, learned Advocate for Respondent No. 2 undertakes to file vakalatnama in the Registry during the course of the day.

4. Mr. Saurabh Mehta, learned Advocate for Respondent No. 2 submits that the matrimonial discord between the Petitioners and Respondent No. 2 is resolved. He tenders Affidavit dated 17.01.2026 of Respondent No. 2 affirmed before the Notary Advocate S. N. Dange, Mumbai. Same is taken on record and marked as “X” for identification. Respondent No. 2 states that the Affidavit (X) has been filed by her 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 7 of the Affidavit dated 17.01.2026 are as per her say. She states that she and Petitioner No. 1 have filed proceedings before the Family Court seeking divorce by mutual consent. She states that she has resolved the issue amicably with the Petitioners and she and Petitioner No. 1 have decided to part ways. She submits that considering the subsequent events and the matrimonial dispute being resolved, she does not intend to pursue/prosecute the criminal proceedings. She reiterates that she has No Objection for quashing of the FIR.

5. Petitioners are present in the Court along with their Advocate Ms. Priyanka Chavan. Respondent No. 2 is present in the Court along with her Advocate Mr. Saurabh Mehta.

6. Petitioner Nos. 1 to 3, who are present in the Court state that they and Respondent No. 2 have resolved the dispute and Petitioner No. 1 and Respondent No. 2 have decided to separate.

7. Mr. Tanveen Khan, learned A.P.P. for the State/Respondent states that in view of the statements made by Respondent No. 2, who is present in the Court and her statements in the Affidavit (X), no purpose would be served by continuing with the criminal proceedings. He submits that the impugned FIR can be quashed on the basis of statement made by Respondent No. 2 in the Affidavit (X).

8. Considering the facts as placed before me, the nature of dispute, the settlement arrived between the parties, the statements made on oath by Respondent No. 2 (Affidavit at X) 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, to secure ends of justice I deem it fit and proper to exercise powers under Section 528 of the BNSS to quash the criminal proceedings.

9. Petition is therefore allowed in terms of prayer clause (a). Consequently, First Information Report No. 365 of 2025 dated 13.10.2025 registered with Malabar Hill Police Station, Mumbai for the offence punishable under Sections 85, 316(2), 115(2), 351(2), 352 & 3(5) of the Bharatiya Nyaya Sanhita, 2023, is quashed. Criminal proceedings against the Petitioners arising out of the said FIR are closed.

10. Criminal Writ Petition No. 206 of 2026 is disposed of. No order as to costs.

[ASHWIN D. BHOBE, J.]

1 (2017) 9 SCC 641.