

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 270 OF 2026

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Satish Sahebrao Jadhav and Ors. ... Petitioner
V/s.
The State of Maharashtra and Anr. ... Respondents.

Mr. Harshada Shrikhande, Advocate for the Petitioner.
Mr. T.G. Khan, APP for the State/Respondent No.1.
Mr. Prathamesh Mandlik, Advocate for Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.
DATE : 28th JANUARY, 2026

P.C. :

1. This Petition under Article 226 of the Constitution of India and under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is preferred against the FIR bearing C.R. No. 249 of 2020 dated 30/06/2020 registered with Manpada Police Station, Dombivli for the offences punishable under Sections 9,10 and 11 of the Prohibition of Child Marriage Act, 2006 and the chargesheet bearing No. II 92/2022 dated 22/10/2020 registered as SCC Case No. 1431 of 2020 pending on the file of the learned

JMFC, 3rd Court at Kalyan, arising out of the said F.I.R.

2. Petitioner No. 1 is present in Court along with his Advocate Ms. Harshada Shrikhande. Petitioner Nos. 2, 3, 4, and 5 are the family members of Petitioner No.1. Photostat copies of the Aadhar Card (Nos. 5) of the Petitioners are tendered by Ms. Harshada Shrikhande, which are taken on record and marked "**X colly**" for identification.

3. Respondent No.2 is present in Court along with her Advocate Mr. Prathamesh Mandlik.

4. Ms. Harshada Shrikhande and Mr. Prathamesh Mandlik jointly submit that Petitioner No.1 and Respondent No.2 are married, they reside together as husband and wife and out of the wedlock, Petitioner No.1 and Respondent No.2 are blessed with a daughter, who is named Anika Satish Jadhav. They state that the state that Petitioner Nos. 2 to 5 reside with the Petitioner No.1 and Respondent No.2. They therefore submit that the criminal proceedings may not be continued.

5. Ms. Harshada Shrikhande and Mr. Prathamesh Mandlik have tendered a Joint Affidavit and Undertaking of Petitioner No.1 (husband) and Respondent No.2 (wife), along with the photostat copy of the identity card of Respondent No.2 and the Birth Certificate dated 06.10.2023 of Anika Satish Jadhav . Said Joint Affidavit and Undertaking dated 28.01.2025 affirmed before Notary Tushar M. Pabale, Mumbai, along with the identity card and the Birth certificate of the minor daughter Anika Satish Jadhav are taken on record and marked "X-1", "X-2" and "X-3" respectively. Ms. Harshada Shrikhande has tendered a discharge summary of Respondent No.2 for the period dated 01/10/2023 to indicate that Respondent No. 2 at the time of giving birth to Anika was admitted in Pravara Hospital run by Pravara Medical Trust, same is taken on record and marked "X-4" for identification.

6. Petitioner No.1 and Respondent No.2 state that the contents of the Joint Affidavit and Undertaking ("X-1") is as per their say.

7. Mr. T. Khan, learned APP submits that no purpose would be served in continuing the criminal proceedings in view of the statements made by Petitioner No.1 and Respondent No.2 in the Joint Affidavit and Undertaking ("X-1"), more particularly, the undertaking given in paragraph no. 8. He therefore, submits that the criminal proceedings can be quashed.

8. Considering the aforesaid fact, Petitioner No.1 and Respondent No.2 staying together with each other as husband and wife, the Petitioners' family now being extended by the birth of their daughter Anika Satish Jadhav, the statements and the undertakings given by Petitioner No.1 and Respondent No.2 in Joint Affidavit and Undertaking ("X-1") and having regards to the pronouncement of the Hon'ble Supreme Court in the cases of *Gian Singh vs. State of Punjab*¹, *Narinder Singh & Ors. vs. State of Punjab and Anr.*², *Sandeep Singh Thakur vs. State of Madhya Pradesh and Anr.*³ and *Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Karmur & Ors. vs. State of Gujarat & Anr.*⁴, there is no impediment in allowing this Petition.

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

3 2025 SCC OnLine SC 2927.

4 (2017) 9 SCC 641.

9. This Petition is therefore allowed in terms of prayer clause (b). The impugned FIR bearing No. C.R. No. 249 of 2020 dated 30/06/2020 registered with Manpada Police Station, Dombivli and the chargesheet bearing No. II 92/2022 dated 22/10/2020 registered as SCC No. 1431 of 2020 pending before the Court of the Judicial Magistrate First Class, 3rd Court at Kalyan are quashed.

10. No orders as to cost.

11. Criminal Writ Petition No. 270 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)