

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 285 OF 2026

VAISHALI
ANIL
TIKAM

Ashish Anil Kumar and Ors.

... Petitioners

Digitally signed
by VAISHALI
ANIL TIKAM

V/s.

Date:
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Poonam Ashish Ojha and Anr.

... Respondents.

Mr. A.R. Pandey, Advocate for the Petitioners.

Ms. Afreen Shaikh a/w. Mr. Sherin Baby a/w. Sunail Shariff i/b.
Falcon Legal for Respondent No.1.

Ms. Pallavi Dabholkar, APP for the State.

PSI R.G. Gujar, Malad Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATE : 28th JANUARY, 2026

P.C. :

1. This Petition under Article 226 of the Constitution of India is preferred by the Petitioners against the FIR No. 424 of 2018 registered with the Malad Police Station, Mumbai under Sections 498(A), 406, 420, 504, 506 r/w. Section 34 of the Indian Penal Code and the chargesheet registered as Case No. 2119/PW of 2019 pending on the file of 24th Metropolitan Magistrate Court, Borivali, Mumbai.

2. Petitioner No.1 (Husband) is present in Court. Petitioner Nos. 2 and 3 are appearing through video conferencing. Mr. A.R.Pandey, learned Advocate for the Petitioners identifies Petitioner No.1, Petitioner Nos. 2 and 3 appearing on VC. He tenders photostat copies of the identity cards of the Petitioners (5 pages), same are taken on record and marked "X" collectively for identification.

3. Respondent No.1 is present on VC. Ms. Afreen Shaikh, learned Advocate for Respondent No.1 identifies Respondent No.1 appearing through VC. and she tenders a photostat copy of the identity card of Respondent No.1, same is taken on record and marked "X-1" for identification.

4. Mr. Pandey, learned Advocate for the Petitioners and Ms. Afreen Shaikh, learned Advocate for Respondent No.1 jointly submit that the Petitioners and Respondent No.1 have amicably resolved the matrimonial dispute before the Family Court at Bandra, Mumbai in Petition No. A-2956/2012 by filing consent terms dated 02/08/2023. They submit that the Family Court No.2, Mumbai has accepted the consent terms and disposed of the said proceedings by judgment and order dated 03/11/2025. They rely

on the consent terms and the judgment which are produced on record as Exhibits 'C' and 'D'. They submit that the affidavit dated 03/11/2025 of Respondent No.1 giving her no objection is filed at Page Nos. 65 and 68 of the paper-book. Said Affidavit dated 03/11/2025 is marked "X-2" for identification. Respondent No.1 states that the Affidavit ("X-2") has been filed out of her own free will and contents of the same are as per her say. She reiterates the contents of paragraphs 4,5, 6,7 and 8 of the Affidavit ("X-2") and submits that she has no objection for quashing of the FIR and criminal proceedings.

5. Mr. Pandey, learned Advocate for the Petitioners and Ms. Afreen Shaikh, learned Advocate for Respondent No.1 jointly submit that the matter being settled, the criminal proceedings may not be continued.

6. Ms. Dabholkar, learned APP for the State by referring to the consent terms dated 02/08/2023, judgment dated 03/11/2025 and the statements made by Respondent No. 1 in the Affidavit ("X-2") submits that no purpose would be served in continuing with the criminal proceedings and the FIR can be quashed.

7. Considering the aforesaid circumstances, the nature of dispute, the dispute being resolved before the Family Court at Bandra, the statements made by Respondent No.1 in the Affidavit ("X-2") 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. Stae of Madhya Pradesh and Anr.**³, there is no impediment for allowing this Petition.

8. In view of the above, this Petition is allowed in terms of prayer clause (a). Consequently, the FIR No.424 of 2018 registered with Malad Police Station and the chargesheet bearing 2119/PW of 2019 are quashed.

9. There shall be no order as to costs.

(ASHWIN D. BHOBE, J.)

1 (2012) 10 SCC 303.

2 (2014)6 SCC 466.

3 2025 SCC OnLine SC 2927.