

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 365 OF 2026

PritpalSingh JaswantSingh Ghuman & Ors. ... Petitioners.

V/s.

The State of Maharashtra & Anr. ... Respondents.

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Ms. Gayatri R. Khanwilkar, with Roma R. Salunke, Advocate for Petitioners.

Mr. Prasanna Malshe, APP for Respondent/State.

Mr. Siddharth Singh, Advocate for Respondent No. 2.

CORAM : ASHWIN D. BHOBE, J.

DATE : 30th JANUARY, 2026.

P.C. :

1. Ms. Gayatri Khanwilkar, learned Advocate for the Petitioners at the outset submits that there is a typographical error in the prayer clause of this Petition. She craves leave to amend. Not objected to by the Advocates for the Respondents. Leave granted. Amendment to be carried out forthwith.

2. This Petition under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita,

2023 is preferred against FIR bearing No. 428 of 2024 dated 25.08.2024 registered at Kurla Police Station, Mumbai for the offences punishable under section 498A and 34 of the Indian Penal Code and charge-sheet bearing C.C. No. PW/5102083/2024 pending before the Judicial Magistrate First Class, 52nd Court, Kurla, Mumbai, arising out of said FIR.

3. Petitioner Nos. 1 to 3 are present in court and with their Advocate Ms. Gayatri Khanwilkar. Petitioner No. 4 appears through V.C. mode and is identified by Ms. Gayatri Khanwilkar. She tenders photo identity card (4 Nos.) of all the Petitioners, same are taken on record and marked "X colly." for identification.

4. Respondent No. 2 is present alongwith her Advocate Mr. Siddharth Singh. He tenders copy of photo identity card of the Respondent No. 2, same is taken on record and marked as "X-1" for identification.

5. Ms. Gayatri Khanwilkar and Mr. Siddharth Singh jointly submit that the matrimonial dispute between the Petitioner

No. 1 (husband) and Respondent No. 2 (wife) is amicably settled by filing consent terms in Divorce proceedings bearing C.C. No. 290/DV/2024 before the Judicial Magistrate First Class, 51st Court, Kurla, Mumbai, which are produced at Annexure-B (page 19 to 27 of paper book). They submit that Respondent No. 2 has no objection for quashing of the criminal proceedings.

6. Mr. Siddharth Singh tenders the affidavit affirmed by the Respondent No.2 before the Notary A.R. Surve on 30th January, 2026 same is taken on record and marked as “X-2”. Respondent No. 2 (Mrs. Kavita Pritpal Singh Ghuman @ Kavita Ashok Gupta) states that she has filed the affidavit (“X-2”) out of her own free will and without pressure and without coercion from any person. She states that contents of Affidavit (“X-2”) are as per her say. She states that in view of the amicably settlement, she has no objection for quashing of the criminal proceedings.

7. Ms. Gayatri Khanwilkar states that Petitioners has paid the amounts to the Respondent No. 2 in terms of the settlement.

8. Mr. Prasanna Malshe, learned APP for the State submits that no purpose would be served in continuing criminal proceedings. He submits the FIR and the Charge sheet can be quashed considering the settlement between the parties and the statements made in Affidavit ("X-2"). He however, submits that the Petitioners and Respondent No. 2 having used the police machinery for settling their dispute, they should pay costs.

9. Ms. Gayatri Khanwilkar on instructions from the Petitioners states that the Petitioners shall pay an amount of Rs. 25,000/- towards cost.

10. Considering the above circumstances, the nature of dispute, the amicable settlement between parties, the statements made by the Respondent No. 2 in her Affidavit ("X-2") and having regards to the judicial pronouncements in the case of *Gian Singh v. State of Punjab*¹ and *Narinder Singh & ors v. State of Madhya Pradesh*² and in *Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.*³, there is no

1. (2012) 10 SCC 303.

2. 2025 SCC Online SC 466

3. (2017) 9 SCC 641.

impediment for allowing this Petition .

11. This Petition is therefore allowed in terms of prayer clause (a), subject to payment of Rs. 25,000/- as costs. Consequently, the FIR bearing No. 428 of 2024 dated 25.08.2024 registered at Kurla Police Station, Mumbai for and the charge-sheet bearing C.C. No. PW/5102083/2024 pending before the Judicial Magistrate First Class, 52nd Court, Kurla are quashed.

12. Petitioner shall deposit Rs. 25,000/- in the below-mentioned bank account within a period of two week from today and file proof of said deposit in the Registry of this Court.

Central Police Welfare Fund

Account No: 914010029005759

Bank : Axis Bank Limited

Branch : Worli, Mumbai (M.H.), Mumbai - 400 025

IFSC Code: UTIB00000060

13. List this Petition on 27th February, 2026 for reporting compliance of deposit of cost.

(ASHWIN D. BHOBE, J.)