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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 381 OF 2026

Amit Rupchand Chawla & Ors. ... Petitioners

V/s.

The State of Maharashtra & Anr. ... Respondents

Ms. Kirti Kataria, Advocate for Petitioners.

Ms. Priyanka Pardeshi, Advocate for Respondent No. 2.

Mr. Sukanta Karmakar, APP for Respondent No. 1 – State.

Mr. Sachin Patre – API, Ulhasnagar Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATE : 2nd FEBRUARY, 2026.

P.C. :

1. This Petition under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is preferred by the Petitioners against the C. R. bearing No. I – 412/2022 registered with Ulhasnagar Police Station for the offences punishable under Sections 498A, 323, 504 & 34 of the IPC and the charge sheet bearing RCC No. 428 of 2023

pending before the Hon'ble Joint Civil Judge & JMFC, Ulhasnagar, arising out of the said FIR.

2. Petitioner Nos. 1 to 3 are present in Court with their Advocate Ms. Kirti Kataria. Petitioner Nos. 4, 5 & 6 are appearing through V. C. Ms. Kirti Kataria identifies the Petitioner Nos. 4, 5 & 6. Photostat copies of the identity cards of the Petitioners (6 in numbers) are produced on record and marked '**X colly**' for identification.

3. Respondent No. 2 is present in Court along with her Advocate Ms. Priyanka Pardeshi.

4. Ms. Kirti Kataria and Ms. Priyanka Pardeshi submit that the matrimonial dispute between the Petitioners and Respondent No. 2(wife) is amicably resolved. They submit that the Petitioner No. 1 (husband) and Respondent No.2 have filed Marriage Petition No. 127 of 2025 before the Court of Civil Judge, Senior Division, Kalyan under Section 13(B) of the Hindu Marriage Act.

5. Ms. Priyanka Pardeshi, tenders affidavit dated 31st January, 2026 affirmed by the Respondent No. 2 before Notary Mr. Satish B. Sawant, Ulhasnagar, Thane along with the photo identity card of Respondent No. 2, same are taken on record and collectively marked as '**X-1 colly**' for identification.

6. Respondent No. 2 (Ms. Kanvi Amit Chawla) states that the said affidavit (at X-1 colly) is filed out of her own free will and without any pressure or coercion from any person. She states that the contents of the affidavit X-1 colly are as per her say.

7. Mr. Sukanta Karmakar, learned APP submits that the Petitioners and Respondent No.2, now having decided to separate, no purpose would be served in continuing with the criminal proceedings. He submits that the impugned FIR and the criminal proceedings can be quashed, based on the affidavit (at 'X-1 colly') and on the basis of the statements today made before this Court by the Advocates representing the Petitioners and Respondent No.2. He however insists for imposition of costs.

8. Considering the aforesaid circumstances, the nature of dispute, the statements made by Respondent No. 2 in the affidavit (at 'X-Colly') and having regard to the decision of the Hon'ble Supreme Court in the case of *Gian Singh V. State of Punjab*¹, *Parbatbhai Aahir Alias Prabatbhai Bhimsinbhai Karmur and Others*² Vs. *State of Gujarat Anr, Narinder Singh & Ors. Vs. State of Punjab & Anr*³, there is no impediment for allowing this Application.

9. This Petition is allowed in terms of prayer clause (b), subject to payment of costs of Rs. 25,000/-. Consequently, the impugned FIR bearing RCC No. 428 of 2023 registered with Ulhasnagar Police Station, Ulhasnagar is quashed, subject to payment of cost of Rs. 25,000/-.

10. Petitioners shall deposit the amount of Rs. 25,000/-, in the below mentioned bank account within a period of two weeks from today:-

Central Police Welfare Fund
Account No: 914010029005759

1 (2012) 10 SCC 303.

2 (2017) 9 SCC 641.

3 (2014) 6 SCC 466.

Bank : Axis Bank Limited

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

IFSC Code: UTIB0000060

9. Petitioners shall file compliance affidavit with proof of deposit in the Registry of this Court on or before 4th March, 2026.

(ASHWIN D. BHOBE, J.)