

GAYATRI
RAJENDRA
SHIMPI

Digitally signed
by GAYATRI
RAJENDRA
SHIMPI
Date:
2026.02.09
20:03:43 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 527 OF 2026

Fahim Aslam Shaikh And Anr. ... Petitioners

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. Balwant Salunkhe, Advocate for the Petitioners.

Mr. Kalim Ansari and Mr. Tuba Khan, Advocate for Respondent No. 2.

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

Mr. Deepak Thorat – PSI, Oshiwara 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 ('BNSS'), is preferred by the Petitioners against the FIR bearing C. R. No. 193/2023 registered with Oshiwara Police Station Mumbai for the offences punishable under Sections 323, 498A, 406, 504 506 and 34 of IPC and the chargesheet registered as Case No. PW/3259 of 2024, pending before the Metropolitan Magistrate

Railway Court Andheri, Mumbai, arising out of the said FIR.

2. Petitioners are present in Court with their Advocate Mr. Balwant Salunkhe. Respondent No.2 is present in Court with her Advocate Mr. Kalim Ansari. Photostat copies of the photo Identity Card of Petitioners and the Respondent No.2 are taken on record and marked '**X colly**' for identification.

3. Mr. Balwant Salunkhe and Mr. Kalim Ansari submit that the matrimonial dispute between the Petitioners and Respondent No. 2 is settled. Respondent No. 2. They submit that the Petitioner No. 1 (husband) and Respondent No. 2 (wife) are separated by divorce. They state that the Respondent No.2 has given her No objection for quashing of the criminal proceedings.

4. Mr. Kalim Ansari tenders affidavit dated 2nd February, 2026, affirmed by the Respondent No.2 before Notary Harjit Singh Anand, Mumbai, same is taken on record and marked as '**X-1**' for identification. Respondent No. 2 states that the affidavit (X-1) 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 are as

per her say. She reiterates that she has no objection for quashing of the criminal proceedings, which are subject matter of this Petition.

5. Mr. Sukanta Karmakar learned APP for the State, submits that the Petitioner No.1 and Respondent No.2, now having separated, no purpose would be served in continuing with the criminal proceedings. He submits that the impugned FIR and the criminal proceedings may be quashed, based on the affidavit at 'X-1' and the statements today made before this Court by the Advocates representing the Petitioners and Respondent No.2 . He however insists for costs.

8. Considering the aforesaid circumstances, the nature of dispute, the statements made by Respondent No. 2 in the affidavit (at 'X-1') and having regard to the pronouncements 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 Vs. State of Gujarat Anr*², *Narinder Singh & Ors. Vs. State of Punjab & Anr.*³, there is no impediment for allowing this Petition.

1 (2012) 10 SCC 303

2 (2017) 9 SCC 641

3 (2014) 6 SCC 466

9. The Petition is allowed in terms of prayer clause (a), subject to payment of costs of Rs. 20,000/- each, by the Petitioner No.1 and Respondent No.2. Consequently, the impugned FIR bearing C. R. No. 193 of 2023 registered at Oshiwara Police Station and charge-sheet bearing No. PW/3259 of 2024 are quashed.

10. Petitioner No.1 and Respondent No. 2 shall deposit the amount of Rs. 20,000/- each, in the below-mentioned bank account, within two weeks from today, :-

Central Police Welfare Fund

Account No: 914010029005759

Bank : Axis Bank Limited

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

IFSC Code: UTIB00000060

11. 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.)