

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 629 OF 2026

Deepak Mahendra Gupta And ors. : Petitioners
Versus
State Of Maharashtra And Anr : Respondents.

Mr. Nihar Ghag i/by Adv. Deep Padachh, Advocate for the
Petitioners.

Mr. Prasanna M Malshe, APP for the Respondent/State.

Mr. Rajiv Hingu i/by Adv. Deepraj Shetye, for Respondent
No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 11 FEBRUARY 2026

PC:-

1. Heard Mr. Nihar Ghag, learned Advocate for the
Petitioners, Mr. Prasanna Malshe, learned APP for the
Respondent/State and Mr. Rajiv Hingu, learned Advocate for
the Respondent No.2.

2. This Petition under Article 226 of the Constitution of
India and under Section 528 of the Bhartiya Nagarik Suraksha
Sanhita, 2023 is preferred by the Petitioners for quashing the
FIR bearing No.0343 of 2023 registered with the Kurar Village
Police Station Mumbai Suburban for the offences punishable
under Sections 498(A), 406, 323, 504 and 506 r/w Section 34
of the Indian Penal Code and the Chargesheet bearing Police

Cases W No.2536/2025 pending before the learned Judicial Magistrate First Class, 67th Court, Borivali.

3. The Petitioners are present in the Court and are identified by their Advocate Mr. Nihar Ghat. He tenders the Photostat copies of the Identity Cards (six in number) of the Petitioners, which are taken on record and marked as “**X-Colly**” for identification.

4. Respondent No.2 is present in the Court and is identified by her Advocate Mr. Rajiv Hingu. He tenders the Photostat copy of the Identity Card of Respondent No.2, which is taken on record and marked as “**X-1**” for identification.

5. Mr. Nihar Ghat, learned Advocate for the Petitioners and Mr. Rajiv Hingu, learned Advocate for the Respondent No.2, submit the matrimonial dispute between the Petitioner No.1 (husband) and the Respondent No.2 (wife) is amicably resolved. In view of the resolution of the dispute, Petitioner No.1 and the Respondent No.2 have decided to separate and they have filed proceedings seeking divorce by mutual consent. They submit that Respondent No.2, therefore, has no objection for quashing of the criminal proceedings by consent.

6. Mr. Nihar Ghag, the learned Advocate for the Respondent No.2, states that the Affidavit dated 30 January 2026 affirmed by Respondent No.2 before the Notary Kalidas Subrao Pote, Govandi, Mumbai is placed on record as Exhibit-

D page Nos. 80 to 83, same is marked as “X-2” for identification.

7. Respondent No. 2 states that the said Affidavit (X-2) 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-2) are as per her say. She reiterates her no objection for quashing of the criminal proceedings.

8. Mr. Prasanna Malshe, learned APP for the Respondent/State submits that the Petitioners and the Respondent No.2 having resolved their matrimonial dispute and in view of the statements of Respondent No.2 in the Affidavit (X-2), no purpose would be served in continuing with the criminal proceedings. He however insists for imposition of costs.

9. Mr. Nihar Ghag, learned Advocate for the Petitioners and Mr. Rajiv Hingu, learned Advocate for the Respondent No.2, on instructions, submit that the Petitioners shall jointly deposit an amount of Rs.15,000/- and the Respondent No.2 shall deposit an amount of Rs.10,000/- as costs.

10. Considering the aforesaid circumstances, the nature of dispute, the matter being settled between the Petitioners and the Respondent No.2, the statement of Respondent No. 2 in the Affidavit (X-2) and having regards to the pronouncements of the Hon’ble Supreme Court in the case of *Gian Singh vs*

*State Of Punjab*¹, *Narinder Singh And Ors vs State Of Punjab And Anr*² and *Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat*³, there is no impediment in allowing this Petition.

11. In view of the above, Criminal Writ Petition No.629 of 2026 is allowed in terms of prayer clauses (a) and (b) subject to payment of costs of Rs.15,000/- by the Petitioners and Rs.10,000/- by the Respondents. Consequently, the impugned FIR bearing No.0343 of 2023 registered with the Kurar Village Police Station Mumbai Suburban and the Chargesheet bearing Police Cases W No.2536/2025 pending before the learned Judicial Magistrate First Class, 67th Court, Borivali are quashed.

12. The Petitioners and the Respondent No.2 shall deposit the costs in the below mentioned Account within a period of two weeks from today and file in the Registry the compliance affidavit along with the proof of deposit on or before 10 March 2026.

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

13. This Criminal Petition is allowed in the above-said terms.

(ASHWIN D. BHOBE, J.)

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641