

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 728 OF 2026

Mehboob Latif Shaikh and ors. : Petitioners
Versus
The State of Maharashtra and anr. : Respondents

Mr. Asif Shaikh a/w Mr. Lokesh Zade, for the Petitioners.
Ms. Pallavi N Dabholkar, APP, for the Respondent/State.
Mr. Yogesh B Nemane, for Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 13 FEBRUARY 2026

PC:-

1. Heard Mr. Asif Shaikh, learned Advocate for the Petitioners, Ms. Pallavi Dabholkar, learned APP for the Respondent/State and Mr. Yogesh Nemane, learned Advocate for 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 127 of 2015 dated 18 March 2015 registered with Wadala TT Police Station for the offences punishable under

Sections 498A, 420, 504, 506 r/w 34 of the Indian Penal Code and the C.C. No.423/PW/2016 pending before 29th Court, JMFC, Sewri, Dadar, Mumbai.

3. Petitioners are present in the Court and are identified by their Advocate Mr. Asif Shaikh. He tenders the Photostat copies of the Identity Cards (three 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. Yogesh Nemane. He tenders the Photostat copy of Identity Card of Respondent No.2, which is taken on record and marked as “**X-1**” for identification.

5. Advocate Mr. Asif Shaikh and Advocate Mr. Yogesh Nemane submit that the matrimonial dispute between the Paetitioners and Respondent No.2 is amicably resolved. They submit that upon resolution of the dispute, Petitioner No.1 (husband) and Respondent No.2 (wife) have decided to

separate from each other and are availing the remedies as available under their personal law. They therefore submit that criminal proceedings may not be continued.

6. Mr. Asif Shaikh, learned Advocate for the Respondent No.2, states that the Affidavit dated 13 February 2026, affirmed by Respondent No.2 before the Notary Advocate S N Dhange, Fort, Mumbai is placed on record and, 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. Ms. Pallavi Dabholkar, learned APP for the Respondent/State submits that Petitioners and Respondent No.2 having resolved their dispute, no purpose would be served in continuing with the criminal proceedings and as

such the same can be quashed. She however insists for imposition of costs.

9. Mr. Asif Shaikh learned Advocate for the Petitioners and Mr. Yogesh Nemane, learned Advocate for Respondent No.2, on instructions, submit that the Applicants and Respondent No.2 shall deposit appropriate 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.728 of 2026 is allowed in terms of prayer clause (a) subject to

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

payment of costs of Rs.25,000/- by the Petitioners and Rs.15,000/- by the Respondent No.2 within a period of two weeks from today. Consequently, the impugned FIR bearing 127 of 2015 dated 18 March 2015 registered with Wadala TT Police Station and the C.C. No.423/PW/2016 pending before 29th Court, JMFC, Sewri, Dadar, Mumbai are quashed.

12. The Petitioners and the Respondent No.2 shall deposit Rs.25,000/- and Rs.15,000/- respectively in the below mentioned Account within a period of two weeks from today and file in the Registry of this Court the compliance affidavit along with the proof of deposit on or before 16 March 2026 :-

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID00000001

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

(ASHWIN D. BHOBE, J.)