

lgc

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.740 OF 2026

Bhupendra Sukhdev Yadav and ors. : Petitioners
Versus
The State of Maharashtra and ors. : Respondents

Mr. Pramod Pandey a/w Mr. Rahul Mishra i/by Mr. Rahul Pandey for the Petitioners.

Mr. Tanveer Khan, APP for the Respondent/State.

Ms. Priti Pandey a/w Adv. Bhavesh Vishwakarma i/by Mr. Rahul Pandey for Respondent No.3.

CORAM : ASHWIN D. BHOBE, J.

DATED : 10 MARCH 2026

PC:-

1. Heard Mr. Pramod Pandey, learned Advocate for the Petitioners, Mr. Tanveer Khan, learned APP for the Respondent/State and Ms. Priti Pandey, learned Advocate for Respondent No.3.

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. 435 of 2023 registered with MIDC Police Station, Mumbai (impugned FIR) and the Chargesheet

bearing No.1593/PW/2024 pending before the 22nd Metropolitan Magistrate Court at Andheri.

3. Petitioners appear through V.C. and are identified by their Advocate Mr. Pramod Pandey. He tenders the Photostat copies of four Identity Cards of the Petitioners, which are taken on record and marked as **“X-Colly”** for identification.

4. Respondent No.3 is present in the Court and is identified by her Advocate Ms Priti Pandey. She tenders the Photostat copy of Identity Card of Respondent No.3, which is taken on record and marked as **“X-1”** for identification.

5. Ms. Priti Pandey states that the Affidavit dated 26 February 2026 affirmed by Respondent No.3 before the Notary S N Dhanage, Fort, Mumbai is placed on record, the same is marked as **“X-2”** for identification.

6. Respondent No. 3 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.

7. Mr. Pramod Pandey and Ms. Priti Pandey submit that the matrimonial discord between the Petitioner No.1 (husband) and the Respondent No.3 (wife) is amicably resolved. They submit that the Petitioner No.1 and Respondent No.3 are separated by a decree of divorce. They stated that in view of the

settlement, the Respondent No.3 has given no objection for quashing of the criminal proceedings against the Petitioners.

8. Mr. Tanveer Khan, learned APP for the Respondent/State submits that the matrimonial dispute between the Petitioner No.1 and the Respondent No.3 being resolved and having regard to the statements made by the Respondent No.3 in her Affidavit (X-2), her no objection for quashing the criminal proceedings, he has no objection for quashing the criminal proceedings.

9. Considering the above said facts and the submissions made by the learned Advocates for the parties, the dispute being in the nature of a matrimonial disharmony between the Petitioner No.1 (husband) and the Respondent No.3 (wife), the statement made by the Respondent No.3 in her Affidavit (X-2), no useful purpose will be served by allowing the criminal prosecution to continue. 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, *Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat*³, there is no impediment in allowing this Writ Petition.

10. In view of the above, Criminal Writ Petition No.740 of 2026 is allowed in terms of prayer clause (a). Consequently,

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

the impugned FIR and the chargesheet arising out of the impugned FIR are quashed.

11. The Writ Petition No.740 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)