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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 891 OF 2026

Akshay Dilip Shirke & Ors. ... Petitioners
V/s.
The State of Maharashtra & Anr. ... Respondents

Mr. Shrijeet Raorane, Advocate for the Petitioners.

Mr. Kiran Mohite a/w Ms. Deepika Mule & Kartik Malusare,
Advocates for Respondent No. 2.

Mr. Prasanna Malshe, APP for Respondent – State.

Mr. A. R. Kumbhr – API, Manpada Police Station, Thane City.

CORAM : ASHWIN D. BHOBE, J.

DATE : 4th MARCH, 2026

P.C. :

1. Heard Mr. Shrijeet Raorane, learned Advocate for the
Petitioners, Mr. Prasanna Malshe, learned APP for the Respondent
– State and Mr. Kiran Mohite, learned Advocate for Respondent
No. 2.

2. This Petition, filed under Article 226 of the
Constitution of India, Section 482 of the Criminal Procedure Code,
1973, and Section 528 of the Bhartiya Nagarik Suraksha Sanhita,

2023, is by the Petitioners seeking to quash the FIR bearing No. 74 of 2021, dated 15th February 2021 (impugned FIR), registered with Manapada Police Station, Thane, for offences punishable under Sections 323, 498A, and 504 read with Section 34 of the Indian Penal Code, 1860.

3. Petitioners are present in court and are identified by their advocate Mr. Shrijeet Raorane. He submits photocopies of the four identity cards of the Petitioners, which are taken on record and marked as '**X**' for identification.

4. Respondent No. 2 is present in court and is identified by her Advocate, Mr. Kiran Mohite. He submits the photocopy of Respondent No. 2's Identity Card, which is taken on record and marked as '**X-1**' for identification.

5. Mr. Kiran Mohite tenders the Affidavit dated 17th January, 2026 affirmed by Respondent No. 2 before Notary Shane Cardoz same is taken on record and marked as '**X-2**' for identification. 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. Paragraph Nos. 2 to 6 of the affidavit 'X-2' are transcribed herein verbatim:-

"2. I say that we have filed Divorce Petition bearing Petition No. A -1902 of 2024 before the Hon'ble Family Court at Mumbai to pass a decree declaring the marriage dated 14th May 2015, solemnized between me and Petitioner No. 1 be dissolved by the Order the Decree of Divorce by Mutual Consent u/s 13(B) of Hindu Marriage Act 1955. I say that I and Petitioner No. 1 got divorce by mutual consent on 2nd December 2024 and now living our respective life peacefully without interference of each other.

3. I say that in lieu of the Consent terms dated 2nd December 2024, I have agreed to withdraw all allegations, statements and complaints filed against the Petitioner and his family members, accordingly I have withdrawn the Domestic Violence Case being PWDVA Case No. 13 of 2021 pending before the Learned Judicial Magistrate, Chiplun, on 19th August 2024.

4. I say that I have also given consent to compound the offense in 498A case in lieu of Consent Terms dated 2nd December 2024. I say that I hereby give my Consent and statement that I do not want to proceed with 498A case bearing RCC Case No. 514 of 2021 pending before the Learned Joint Civil Judge (Junior Division), Judicial Magistrate First Class, Kalyan and like to withdraw the allegations and further I have no objection, if FIR bearing C. R. No. 74 of 2021 registered with Manpada Police Station on 15th February 2021 under section 323, 498-A and 504 read with Section 34 of the Indian Penal Code, 1860 (IPC) be quash and set aside by this Hon'ble Court in the interest of justice to live our respective life peacefully without any disputes. I say that as per Consent Terms dated 2nd December 2024, I have agreed to co-operate with Petitioner to quash and/or dispose the case filed by me, before the Learned Joint Civil Judge (Junior Division), Judicial Magistrate First Class, Kalyan under section 498A of IPC. I say that I have no objection, if the aforesaid FIR dated 15th February 2021 quash and set aside by this Hon'ble Court.

5. *I say that there is no coercion and/or pressure upon me for withdrawal and/or giving consent for quashing the FIR dated 15th February 2021 filed against Petitioners. I say that I am giving present consent and no objection without any pressure and my own will and in compliance of the Consent Term dated 2nd December 2024 filed with Family Court in Divorce Petition bearing Petition No. A 1902 of 2024 and further to live remaining life peacefully after getting divorce from the Petitioner No. 1.*

6. *I say that as per Consent terms dated 2nd December 2024, all compliances has been done and only quashing of FIR is pending”.*

6. Mr. Shrijeet Raorane and Mr. Kiran Mohite submit that the matrimonial dispute between Petitioner No. 1 (Husband) and Respondent No. 2 (Wife) led to Respondent No. 2 filing a complaint, which was registered as the impugned FIR. They state that Petitioner No. 1 and Respondent No. 2 have amicably resolved their matrimonial issues. They further submit that Petitioner No. 1 and Respondent No. 2 have decided to part ways and have obtained a divorce. To clarify, they mention that the divorce petition, bearing Petition No. A-1902 of 2024, filed before the Court at Mumbai, was decreed on 2nd December 2024. They also state that, in light of this resolution, Respondent No. 2 has no objection to the quashing of the criminal proceedings against the Petitioners. They refer to and rely on the statements made by Respondent No. 2 in her Affidavit **(X-2)**. Additionally, they mention that Respondent No. 2 has withdrawn the Domestic Violence

proceedings, bearing PWDVA Case No. 13 of 2021.

7. Mr. Prasanna Malshe, learned APP for Respondent No. 1 – State, submits that as the matrimonial dispute between Petitioner No. 1 and Respondent No. 2 is resolved, and in view of the statements made by Respondent No. 2 in her affidavit ‘X-2’, he has no objection to the quashing of the criminal proceedings. However, he insists on imposing costs.

8. Mr. Shrijeet Raorane and Mr. Kiran Mohite, on instructions from the Petitioners and the Respondent No.2, state that appropriate cost shall be paid.

9. Considering the aforementioned circumstances and submissions of the learned Advocates, the nature of the dispute, the fact that the matter has been settled between the Petitioners and Respondent No. 2, and the statement of Respondent No. 2 in her Affidavit (X-2), no useful purpose will be served by continuing the criminal prosecution. Having regard to the pronouncements of the Hon’ble Supreme Court in the cases of Gian Singh v. State of Punjab, Narinder Singh and Ors v. State of Punjab and Anr, and

Parbatbhai Aahir @ Parbatbhai v. The State of Gujarat, there is no impediment to granting this Petition.

10. In view of the above, Criminal Writ Petition No. 891 of 2026 is allowed in terms of the prayer clause (a), subject to the payment of costs of Rs. 50,000/- as a condition precedent. Consequently, the impugned FIR and the charge-sheet arising out of the impugned FIR are quashed.

11. The Petitioners shall jointly deposit costs of Rs. 25,000/- and Respondent No. 2 shall deposit costs of Rs. 25,000/- 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 23rd March, 2026.

Deepstambh Foundation, Delhi
Bank Name : ICICI Bank
Account Name : Deepstambh Foundation Delhi
Account Number : 697401700986
Account Type : Savings
IFSC Code : ICIC0006974
MICR Code : 425229003

12. This Criminal Writ Petition No. 891 of 2026 is allowed in the above-said terms.

(ASHWIN D. BHOBE, J.)