

lgc

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

CRIMINAL WRIT PETITION NO.1049 OF 2026

Sumit Sunil Singh & ors. : Petitioners.
Versus
The State of Maharashtra & anr. : Respondents.

Mr. Rajendra Prasad Mishra for the Petitioners.
Mr. Sukanta Karmakar, APP for the Respondent/State.
Ms Yugandhara M Gaonkar for the Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 10 MARCH 2026

PC:-

1. Mr. Rajendra Prasad Mishra, learned Advocate for the Petitioners, has circulated this petition for seeking quashing of the FIR bearing No. 252 of 2024 registered with Kashigaon Police Station, Mira Road, District Thane for the offences punishable under Sections 85, 316(2) and 3(5) of the BNS and the chargesheet arising out of the impugned FIR, by consent of parties.

2. Mr. Rajendra Prasad Mishra, learned Advocate for the Petitioners, submits that the subject matter of the impugned FIR is the matrimonial dispute between the Petitioner No.1 (husband) and the Respondent No.2 (wife). He submits that Petitioners and the Respondent No.2 have entered into a

settlement and, therefore, Mr Rajendra Prasad Mishra seeks the quashing of the impugned FIR by consent of the parties.

3. Mr. Rajendra Prasad Mishra states that the Petitioner No.2 is present in Court.

4. Mr. Sukanta Karmakar, learned APP for the Respondent/State, submits that if the parties seek to quash the impugned FIR by consent, then the presence of all Petitioners is necessary to verify whether the settlement is made voluntarily and in accordance with the law. He, therefore, in the absence of the Petitioners appearing before this court, raises an objection to entertaining Mr. Rajendra Prasad Mishra's request for quashing the impugned FIR by consent.

5. Mr. Rajendra Prasad Mishra states that Petitioner Nos. 1, 3 to 5 are not present and are unable to appear in Court either physically or through V. C. mode. Mr. Rajendra Prasad Mishra states that the petition is filed to seek quashing by consent, not on the merits.

6. In view of the objection raised by Mr. Sukanta Karmakar, learned APP and the statement made by Mr. Rajendra Prasad Mishra of the Petitioners not being able to remain present in Court physically or through V.C. mode, the request of Mr Rajendra Prasad Mishra seeking to quash the impugned FIR by consent is declined.

7. This petition is disposed of with liberty to the Petitioners to file a fresh petition seeking appropriate relief on the merits of the matter. It is clarified that this Court has not expressed any opinion on the merits of the case.

8. The Writ Petition No.1049 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)