

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

WRIT PETITION NO. 1114 OF 2026

Mr. Dhanesh Umesh Ramrakhiani & Ors. ...Petitioners

Versus

The State of Maharashtra & Anr. ...Respondents

Mr. Gaurav Shukla a/w Mr. Devendra Shukla & Mr. Sunil Shukla i/b
Apex Juris LLP, learned Advocates for the Petitioners.

Petitioner Nos. 1 to 3 are present in the Court.

Ms. Pallavi N. Dabholkar, learned A.P.P. for the State/Respondent.

Ms. Pranothi Bharat Pawar, learned Advocate for Respondent No. 2.

Respondent No. 2 is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 24th MARCH 2026.

P.C. :

1. Heard Mr. Gaurav Shukla, learned Advocate for the Petitioners, Ms. Pallavi Dabholkar, learned A.P.P. for the State/Respondent and Ms. Pranothi Pawar, learned Advocate for Respondent No. 2.

2. This Petition is filed by the Petitioners under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Section 482 of the Criminal Procedure Code, 1973), seeking to quash the First Information Report bearing No. 831 of 2021 dated 10.12.2021, registered with Dindoshi Police Station, Malad (East), Mumbai, for the offences punishable under Sections 498-A, 406 & 504 read with 34 of the Indian Penal Code, 1860 (hereinafter referred to "Impugned FIR"), as well as the charge-sheet in Regular Criminal Case No.

3873/PW/2022 pending before the Metropolitan Magistrate, 67th Court at Borivali, Mumbai, arising out of the impugned FIR.

3. Mr. Gaurav Shukla and Ms. Pranothi Pawar submit that subject matter of the impugned FIR was a matrimonial dispute between Petitioner No. 1 (Husband) and Respondent No. 2 (Wife). They submit that the matrimonial discord between Petitioner No. 1 and Respondent No. 2 is amicably resolved and both of them have decided to part ways. They submit that the Petitioners and Respondent No. 2 had approached the Family Court, Bandra seeking divorce by mutual consent. They submit that Petitioner No. 1 and Respondent No. 2 have settled the subject matter before the Family Court Mumbai at Bandra in Petition No. A-2773 of 2022 by filing Consent Terms on 04.11.2025. They submit that the Family Court had accepted these Consent Terms, which are at Exhibit-A (page nos. 40 to 43 of the paper-book). They submit that in view of the amicable settlement between Petitioner No. 1 and Respondent No. 2, Respondent No. 2 does not intend to continue with the criminal proceedings and wants to put an end to the said criminal proceedings. Relying on the Affidavit of Respondent No. 2 and Consent Terms executed between Petitioner No. 1 and Respondent No. 2, they submit that as the dispute is settled, Respondent No. 2 has agreed to withdraw all criminal proceedings filed against the Petitioners at her instance. They therefore request that the impugned FIR and the charge-sheet arising out of the impugned FIR be quashed. They rely on paragraph nos. 3 to 8 of the Affidavit of Respondent No. 2, which read as follows :-

“3. I state that, I had filed petition for Divorce under

section 13(1)(i-a) of the Hindu Mariage Act 1955 on 15.09.2022, before Hon'ble Family Court, Bandra, Mumbai, been Petition No. A-2773 oF 2022 and after service of summons, petitioner no. 1, appeared before the Hon'ble Family Court, Bandra, Mumbai, and during the pendency of the petition, the matter was settled amicably between both the parties, Consent terms were filed before Hon'ble Family Court, Bandra on 04.11.2025. The copy of consent terms dated 4.11.2025 is enclosed herewith and marked as EXHIBIT "A".

4. That as per the consent terms dated 4.11.2025, petitioner no. 1 has released 50% of his rights of Flat no. 201, Nandham Complex, Opposite Patmali Naka, Parnali Village, Boisar (west), Taluka Palghar, Palghar District, vide released Deed Dated 28.1.2026.

5. That as per Consent terms dated 4.11.2025, entered into between me and petitioner no. 1, in Family Court, Petitioner no. 1, after quashing of the FIR, on the date of decree in Hon'ble Family Court, Bandra, Petitioner no. 1 will hand over to me, Rs 5,00,000/- by Demand draft as my entire alimony and maintenance. Petitioner no. 1 will also handover to me my 30 grams gold (in any form) on the date of decree.

6. That both the parties have agreed to abide by the terms and conditions mentioned in the said consent terms dated 4.11.2025, filed in Family Court, Bandra. The Respondent states that both the Petitioners and the Respondent No. 2 have no grievance against each other and therefore they have approached this Hon'ble Court for quashing of the proceedings arising out of C.R. No. 831 of 2021 registered with the Respondent No. 1, in view of the consent terms arrived at between Petitioner No. 1 and Respondent No. 2.

7. I state that I have no grievance against the petitioners and hence I do not wish to proceed against the petitioners.

8. I say that I have no objection for quashing of the FIR

i.e C.R. No. 831 of 2021 registered with Dindoshi Police Station for alleged offence under Section 498A, 406, 323, 504 read with 34 of I.P.C., against the Petitioners, and the proceedings arising out of it been Case No. 3873/PW/2022 pending in Metropolitan Magistrate Court, 67th Court, Borivali, Mumbai.”

4. Petitioners are present in the Court along with their Advocate, Mr. Gaurav Shukla. Mr. Gaurav Shukla identifies and submits a photocopies of Aadhar Card of the Petitioners as proof of identity, which are taken on record and marked as “**X Colly.**” for identification.

5. Respondent No. 2 is present in the Court along with her Advocate, Ms. Pranothi Pawar. Ms. Pranothi Pawar identifies and submits a photocopy of Respondent No. 2’s Aadhar Card as proof of identity, which is taken on record and marked as “**X-1**” for identification.

6. Ms. Pranothi Pawar submits an Affidavit dated 10.03.2026, affirmed by Respondent No. 2 before the Assistant Registrar of this Court. The same is taken on record and marked as “**X-2**” for identification. Respondent No. 2, who is present in the Court, states that she has filed the said Affidavit dated 10.03.2026 (X-2) of her own free will and without any pressure, force or coercion from anyone. She states that the contents of the Affidavit (X-2) are as per her say. She reiterates that the dispute between her and the Petitioners has been amicably resolved by way of the Consent Terms dated 04.11.2025 (Exhibit-A at page nos. 40 to 43 of the paper-book) filed in Petition No. A-2773 of 2022 before the Family Court Mumbai at Bandra, and she does not want to pursue the

criminal proceedings commenced at her behest. She states that she has No Objection for quashing of the impugned FIR and the charge-sheet.

7. Ms. Pallavi Dabholkar, learned A.P.P. for the State/Respondent submits that the matrimonial dispute between Petitioner No. 1 and Respondent No. 2 having been amicably resolved, based on the statements made by Respondent No. 2 in the Affidavit (X-2), she does not object to the quashing of the impugned FIR and charge-sheet arising from it. However, she contends that the Petitioners and Respondent No. 2 have used the police machinery to settle a matrimonial dispute, as such she insists on imposing exemplary costs on the parties.

8. Mr. Gaurav Shukla, learned Advocate for the Petitioners and Ms. Pranothi Pawar, learned Advocate for Respondent No. 2, on instructions from the Petitioners and Respondent No. 2, who are present in Court, state that the appropriate cost will be paid.

9. Considering the aforementioned facts, the submissions of learned Advocates, the dispute being amicably settled between the Petitioners and Respondent No. 2 by filing Consent Terms dated 04.11.2025 in Family Petition bearing No. A-2773 of 2022 before the Family Court at Bandra, Mumbai and the statements made on oath by 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/s. The State of Punjab and Another*¹,

1. (2012)10 Supreme Court Cases 303.

*Narinder Singh and Others v/s. State of Punjab and Another*² and *Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others v/s. State of Gujarat and Anr.*³, there is no impediment to allow this Criminal Writ Petition.

10. In view of the above, the Criminal Writ Petition is allowed in accordance with the prayer clause (a), subject to the payment of costs by the parties as a condition precedent. Consequently, the impugned FIR and the charge-sheet bearing R.C.C. No. 3873/PW/2022 pending before the Metropolitan Magistrate, 67th Court at Borivali, Mumbai, are quashed.

11. Each Petitioners shall deposit Rs. 10,000/- as costs and Respondent No. 2 shall deposit the cost of Rs. 10,000/- in the following account within a period of two weeks from today and furnish proof of deposit before the Registry of this Court by filing the Affidavits of compliance on or before 15.04.2026 :-

Armed Forces Battle Casualties Welfare Fund

Bank Name : Canara Bank
Branch : South Block, Defence Headquarters,
New Delhi-110011
Account Number : 90552010165915
IFSC Code : CNRB0019055

12. Criminal Writ Petition No. 1114 of 2026 is disposed of.

[ASHWIN D. BHOBE, J.]

GITALAXMI
KRISHNA
KOTAWADEKAR

2. (2014)6 Supreme Court Cases 466.

3. (2017) 9 SCC 641.