

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1159 OF 2026

Mohammad Baba Hussain

... Petitioner

Versus.

State of Maharashtra And Anr.

...Respondents

Mr. Aditya Sharma a/w Khushboo Jain, Irfan Khan i/b Sudha Dwivedi.

Petitioner is present in Court.

Mr. Prashant Trivedi i/b Gauri Pednekar, learned Advocate for the Respondent No. 2.

Respondent No. 2 is present in Court.

Ms. Poonam Bhosale, learned APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 13th March, 2026.

P.C. :

1. Heard Mr. Aditya Sharma, learned Advocate for the Petitioner, Mr. Prashant Trivedi, learned Advocate for the Respondent No. 2 and Ms. Poonam Bhosale, learned APP for the Respondent – State.

2. This petition under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is filed by the Petitioner seeking to quash the FIR dated

17.12.2023 bearing No. 827 of 2023 registered at Powai Police Station for offences under Section 376(2)(n), 504, 506, and 509 of the Indian Penal Code, 1860, as well as the charge sheet registered as Sessions Case No. 569 of 2024 pending before the Hon'ble Sessions Court at Dindoshi, Mumbai.

3. Mr. Aditya Sharma and Mr. Prashant Trivedi submit that Respondent No. 2 is a businesswoman. They submit that the Petitioner and Respondent No. 2 met through a business transaction, which later developed into a friendship and then into a relationship. They submit that the relationship between the Petitioner and Respondent No. 2 was consensual, with no element of force, coercion, or misconception. They submit that the Petitioner invested amounts in Respondent No. 2's business. They submit that disputes arose during this period regarding the repayment of the amount and the interest payable. They submit that the dispute, along with misunderstandings, led Respondent No. 2 to file a complaint against the Petitioner. They submit that once the misunderstanding was recognized, the Petitioner and Respondent No. 2 have now resolved the dispute amicably. They

submit that the Petitioner and Respondent No. 2 intend to settle in life and, therefore, Respondent No. 2 seeks to end the criminal case. They submit that Respondent No. 2 has given her no objection affidavit for quashing the impugned FIR and the chargesheet arising from it.

4. The Petitioner is present in Court and is identified by his Advocate, Mr. Aditya Sharma. He submits a photocopy of the Petitioner's identity card, which is taken on record and marked **"X"** for identification.

5. Respondent No. 2 is present in Court along with her Advocate, Mr. Prashant Trivedi. He submits the Photostat copy of Respondent No. 2's Identity Card, which is taken on record and marked as **"X-1"** for identification.

6. Mr. Prashant Trivedi states that the Affidavit dated 30th January, 2026, affirmed by Respondent No. 2 before the Registry of this Court, is on record. It is marked with **"X-2"** for identification.

7. Respondent No. 2 states that the said Affidavit (X-2) is filed of her own free will and without any pressure or coercion from anyone. She states that she intends to marry and does not wish to continue the criminal proceedings. She states that she does not support the prosecution's case. She states that the contents of the Affidavit (X-2) are as per her say. She reiterates that she has resolved the dispute with the Petitioner and therefore she has no objection to the quashing of the criminal proceedings. She refers to paragraphs Nos. 2, 3, and 4 of her Affidavit (X-2), which are transcribed herein below verbatim.

2. *I say that, during the course of our relationship many unwanted and unwarranted incidents had arose between me and the Petitioner leading to further misconception, non-communication, misunderstandings and frustration being one of the factors due to which the subject First Information Report was lodged by me against the Petitioner.*

3. *I further say that, I have an entire life ahead of me and I am looking forward to get married in future with a prudent man and continuation of the present First Information Report against the Petitioner will not only stain his name and career but would also disturb my peace and cause disruption in my personal life and stability. And therefore, to safeguard my personal interest, I do not wish to further prosecute the present case and would humbly request this Hon'ble Court to consider the prayer made by the Petitioner / Accused and quash the First Information Report bearing No. 827 of 2023, pending against the*

Petitioner/Accused.

4. *I further say that, after filing the Petition for quashing of the First Information Report, I undertake to withdraw any other complaint or proceeding, if any, which has been filed by me, before any other authority against the Petitioner / Accused and also the Petitioner /Accused undertakes to withdraw any other complaint or proceeding, if any filed by him against me. The Petitioner / Accused shall resist from filing any further or other proceedings or complaint against me arising out of or related to the present case.*

8. Ms. Poonam Bhosale, learned APP, submits that the Petitioner and Respondent No. 2 having resolved their misunderstanding and considering her statements in the Affidavit (X-2), which include her desire to marry and lead a peaceful life in the future, she has no objection to the quashing of the impugned FIR and the criminal proceedings. However, she insists on imposing exemplary costs on the parties for using police machinery when it was unnecessary.

9. The Hon'ble Supreme Court in the case of Madhukar And Ors. v. State Of Maharashtra¹ in paragraph Nos. 6 has made the following observations:-

6. At the outset, we recognise that the offence under Section 376 IPC is undoubtedly of a

¹ (2025) SCC OnLine SC 1415
Arjun

grave and heinous nature. Ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. However, the power of the Court under Section 482 CrPC to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case.

10. Mr. Aditya Sharma and Mr. Prashant Trivedi, learned Advocates, on instructions from the Petitioner and the Respondent No. 2 submit that appropriate cost would be paid.

11. Considering the facts presented above, the submissions of the learned Advocates for the parties, and the fact that the dispute between the Petitioner and Respondent No. 2 has been amicably resolved, with Respondent No. 2 expressing her intention to marry and settle down in her personal life, her contention that continuing the criminal proceedings would disturb her peace and stability, along with her statement that she wants the criminal matter to end, read in conjunction with her no objection and the statements in her Affidavit (X-2), appears to be a conscious decision taken by Respondent No. 2. Furthermore, having regard

to the decision of the Hon'ble Supreme Court in the case of Madhukar (Supra), *Gian Singh vs State Of Punjab*² and *Narinder Singh And Ors vs State of Punjab And Anr*³ continuation of the criminal trial will serve no useful purpose.

12. In view of the above, Criminal Writ Petition No. 1159 of 2026 is allowed in terms of prayer clause (b), subject to payment of costs of Rs. 50,000/- each by the Petitioner and the Respondent No. 2 as a condition precedent. Consequently, the impugned FIR bearing No. 827 of 2023 and the chargesheet registered as Sessions Case No. 569 of 2024 pending before the Sessions Court at Dindoshi, Mumbai, are quashed.

13. The Petitioner shall deposit the cost of Rs. 50,000/- in the below-mentioned Account within a period of three weeks from today.

² 2012 10 SCC 303

³ 2014 6 SCC 466

Central Police Welfare Fund	
Director General M. S. Mumbai.	
Account No. :	914010029005759
Bank:	Axis Bank Limited
Branch:	Worli, Mumbai (M.H.), Mumbai - 400 025
IFSC Code:	UTIB0000060

14. The Respondent No. 2 shall deposit the cost of Rs. 50,000/- into the account mentioned below within three weeks from today.

The High Court Employees Medical Welfare Fund at Mumbai	
Account No. :	000120110001337
Bank:	Bank of India
Branch:	Mumbai Main
IFSC Code:	BKID0000001

15. Petitioner and Respondent No. 2 shall file the compliance affidavit along with the proof of deposit in the Registry of this Court on or before 7th April, 2026.

16. Writ Petition No. 1159 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)

Digitally
signed by
ARJUN
KRISHNA
RODGE
Date:
2026.03.24
10:18:35
+0530