

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1329 OF 2026

Yusuf Basir Khan Alias Mohd Yusuf Basir Khan ... Petitioner
Versus.

The State Of Maharashtra And Anr. ... Respondents

Mr. Shakir Qureshi, for the Petitioner.

Ms. Rupali Gond a/w Ms. Archana Gatte, for the Respondent No.
2.

Mr. Sukanta Karmakar, learned APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 25th March, 2026.

P.C. :

1. Heard Mr. Shakir Qureshi, learned Advocate for the Petitioner, Mr Sukanta Karmakar, learned APP for the Respondent - State and Ms. Rupali Gond, learned Advocate for Respondent No.2.

2. At the outset, Mr. Shakir Qureshi states that there is a typographical error in referring to the name of the Respondent No. 2. He therefore seeks leave to carry out an amendment to correct the said mistake. The request made by Mr. Shakir Qureshi is not

objected to by Mr. Sukanta Karmakar, learned APP for the Respondent – State, and Ms. Rupali Gond, learned Advocate for the Respondent No. 2.

3. 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 FIR No. 709 of 2025, dated 17.10.2025 (impugned FIR), registered at Wadala Truck Terminal Police Station for offences punishable under Section 69 of Bharatiya Nyaya Sanhita, 2023, and Case No. 1570/PW/2025, pending before the Judicial Magistrate First Class, 29th Court, Dadar (Sewri), arising from the impugned FIR.

4. Mr. Shakir Qureshi and Ms. Rupali Gond, learned Advocates for the parties, submit that the impugned FIR was filed by Respondent No. 2 due to a misunderstanding between the Petitioner and Respondent No. 2. They submit that the Petitioner and Respondent No. 2 have been friends since 2023 and were interested in each other. They submit that their friendship developed into a physical relationship. They submit that the Petitioner and Respondent No. 2 travelled to various places

together. They submit that in October 2025, Respondent No. 2 developed a misunderstanding with the Petitioner, leading to the filing of the impugned FIR. They submit that the Petitioner and Respondent No. 2 have now amicably resolved their misunderstanding. They submit that both parties wish to live peacefully and settle down. They state that Respondent No. 2 has received a proposal, is interested in considering it, and intends to marry the proposer. They submit that Respondent No. 2 has given her no objection in the affidavit dated 25.03.2026. They request that the impugned FIR and chargesheet be quashed.

5. Petitioner is present in court and is identified by his advocate, Mr. Shakir Qureshi. He submits the photocopy of the petitioner's Identity Card, which is taken on record and marked as “X” for identification.

6. Respondent No.2 is present in court and is identified by her advocate, Ms. Rupali Gond. She submits a photocopy of her identity card, which is taken on record and marked as “X-1” for identification.

7. Ms. Rupali Gond, states that the Affidavit dated 25.03.2026, affirmed by Respondent No.2 before the Notary Sheena Patil is placed on record. The same is marked as **“X-2”** for identification.

8. 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 states that she intends to marry and lead a peaceful life and, therefore, does not wish to continue with the criminal proceedings initiated based on her complaint. She states that the criminal proceeding would disturb the life which she intends to start with the person who is interested in marrying her. She states that she will not support the prosecution case. She explicitly states that she wants to end the criminal proceedings. She reiterates her no objection for quashing of the criminal proceedings.

9. Mr. Sukanta Karmakar, learned APP for the State, submits that the Petitioner and the Respondent No. 2 having now amicably resolved their personal dispute, which appears to be a love affair and the statements made by the Respondent No. 2 in the Affidavit

(X-2), he has no objection to the quashing of the criminal proceedings. He states that the Petitioner and the Respondent No. 2 have utilized the police machinery to settle a private dispute between the Petitioner and the Respondent No. 2, he therefore insists on the imposition of costs on the Petitioner and the Respondent No. 2.

10. Mr Shakir Qureshi and Ms Rupali Gond, on instructions from the Petitioner and the Respondent No. 2, submit that appropriate cost would be paid.

11. The Hon'ble Supreme Court in the case of Madhukar v. State of Maharashtra, 2025¹ in paragraph Nos. 6 has observed as under:-

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

¹ SCC OnLine SC 1415

12. Considering the facts mentioned above, the submissions made by the learned Advocates, the nature of allegations in the impugned FIR indicating a misunderstanding between the Petitioner and Respondent No. 2, who were in love, and the fact that the Petitioner and Respondent No. 2 have amicably resolved their dispute, with Respondent No. 2 making a specific statement before this Court that she intends to marry and live peacefully and does not want to continue with the criminal proceedings, her no objection in the affidavit (X-2) renders further continuation of the proceedings unnecessary.

13. Having regard to the pronouncements of the Hon'ble Supreme Court in the cases of *Gian Singh vs State of Punjab*², *Narinder Singh and Ors. vs State of Punjab and Anr*³ and *Parbatbhai Aahir @ Parbatbhai vs The State of Gujarat*⁴ there would be no impediment in allowing this petition. Exercise of powers under section 528 of BNSS would secure the ends of justice.

2 2012 10 SCC 303

3 2014 6 SCC 466

4 2017 9 SCC 641

14. In view of the above, Writ Petition No. 1329 of 2026 is allowed in terms of prayer clause (b), subject to payment of costs of Rs. 15,000/- each by the Petitioner and the Respondent No. 2. Payment of costs is a condition precedent. Consequently, the impugned FIR and the chargesheet arising out of the impugned FIR are quashed.

15. The Petitioner and Respondent No. 2 shall deposit the costs of Rs. 30,000/- (Rs. 15,000/- by the Petitioner and Rs. 15,000/- by Respondent No. 2) into the account mentioned below within three weeks from today, and file in the Court's Registry the compliance affidavit along with proof of deposit on or before 20.04.2026.

Armed Forces Battle Casualties Welfare Fund	
Account No. :	90552010165915
Bank Name :	Canara Bank
Branch	South Block, Defence Headquarters, New Delhi - 110 011.
IFSC Code :	CNRB0019055

16. Writ Petition No. 1329 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)