

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1394 OF 2026

Girish s/o. Yashwant Khadkikar & Ors. ... Petitioners

Versus.

The State of Maharashtra & Anr. ... Respondents

Mr. Hemant Bhondge a/w U. Nimbalkar i/b Mr. Arpit Bhondge,
Advocates for Petitioners.

Mr. Rohan Bhishikar, Advocate for Respondent No. 2.

Ms. A. S. Gotad, APP for Respondent - State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 27th MARCH, 2026

P.C. :

1. Heard Mr. Hemant Bhondge, learned Advocate for the
Petitioners, Ms. A. S. Gotad, learned APP for Respondent No. 1 –
State and Mr. Rohan Bhishikar, learned Advocate for Respondent
No. 2.

2. This petition under Article 226 of the Constitution of
India, Section 482 of the Code of Criminal Procedure, 1973, read

with Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023, is filed by the Petitioners seeking to quash the FIR bearing No. 298 of 2023, dated 14th May, 2023, registered with Bharti Vidyapith Police Station (hereafter “impugned FIR”) for offences punishable under Sections 498-A, 323, 504, 506, and 34 of the Indian Penal Code, as well as the charge sheet bearing No. 101 of 2024, registered as RCC No. 2130 of 2024, pending before the 5th Jt. Civil Judge Junior Division and JMFC Pune.

3. Mr. Hemant Bhondge and Mr. Rohan Bhishikar submit that the subject matter of the impugned FIR is a matrimonial dispute between Petitioner No. 1(husband) and Respondent No. 2(wife). They state that the matrimonial dispute has been amicably resolved. They further state that Petitioner No. 1 and Respondent No. 2, after an amicable settlement, approached the Family Court, Nagpur, for a divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955. They submit that the Family Court decreed the proceedings bearing No. A-251 of 2025 by order dated 15th November, 2025. They also submit that, in light of the settlement, Respondent No. 2 has no objection to

quashing the impugned FIR and the charge sheet arising from it. Finally, they contend that Respondent No. 2 is not interested in continuing with the criminal proceedings.

4. Petitioner No. 1 is present in Court along with his Advocate Mr. Hemant Bhondge, Petitioner Nos. 2 & 3 appear through V. C. Petitioners are identified by their Advocate, Mr. Hemant Bhondge. He submits that photocopies (3 Nos.) of the Identity Cards of the Petitioners, which are taken on record and marked with '**X-Colly**' for identification.

5. Respondent No. 2 is present in court and is identified by Advocate Mr. Rohan Bhishikar. He submits a photocopy of the Identity Card of Respondent No. 2, which is taken on record and marked with '**X-1**' for identification.

6. Mr. Rohan Bhishikar states that the Affidavit dated 27th March, 2026, affirmed by Respondent No. 2 before the Notary A. R. Surve, is placed on record, and the same is marked with '**X-2**' for identification. Respondent No 2 states that the contents of the Affidavit (X) are as per her say. She states that she has filed the

Affidavit (X-2) out of her own free will and without any pressure, force, or coercion for anyone. Respondent No. 2 states that, in view of the amicable settlement with Petitioner No. 1, she is not interested in continuing with criminal proceedings and wishes to end them to lead a happy life henceforth.

7. Ms. A. S. Gotad, learned APP for the State, submits that as the matrimonial dispute between Petitioner No. 1 and Respondent No. 2 being amicably resolved, and the parties having separated by a decree passed by the Family Court, she has no objection to the quashing of the impugned FIR and the charge-sheet arising from it. However, she states that Respondent No. 2 and the Petitioners have used the police machinery to settle a matrimonial dispute and therefore insists on imposing costs on them.

8. Mr Hemant Bhondge learned Advocate for the Petitioners and Mr Rohan Bhishikar learned Advocate for Respondent No. 2, on instructions from their respective parties, state that the appropriate costs would be paid.

9. Considering the facts mentioned above, the statements made by the learned Advocates for the parties, the resolution of the matrimonial dispute between the Petitioners and Respondent No.2, Petitioner No. 1 being separated from Respondent No. 2 through a judicial separation granted by the Family Court, and Respondent No. 2 having no objection in the Affidavit 'X-2' to the quashing of the criminal proceedings, no useful purpose would be served by continuing the criminal proceedings. Having regard to the pronouncements of the Hon'ble Supreme Court in the case of *Gian Singh vs State of Punjab*¹, *Narinder Singh and Ors vs State of Punjab and Anr*², and *Parbatbhai Aahir @ Parbatbhai vs The State of Gujarat*³, there is no impediment in allowing this Petition.

10. In view of the above, Criminal Writ Petition No. 1394 of 2026 is allowed in terms of prayer clause (1), subject to the payment of Rs. 30,000/- as costs, which is a condition precedent. Consequently, the impugned FIR and the Charge sheet arising from it are quashed.

1 2012 10 SCC 303

2 2014 6 SCC 466

3 2017 9 SCC 641

11. The Petitioners shall deposit Rs. 20,000/- and Respondent No. 2 shall deposit Rs. 10,000/- into the account specified below within two weeks from today and file the compliance affidavit along with proof of deposit in the Court's Registry on or before 4th April, 2026.

Central Police Welfare Fund

Account No: 914010029005759

Bank : Axis Bank Limited

Branch : Worli, Mumbai (M.H.), Mumbai - 400 025

IFSC Code: UTIB0000060.

12. Criminal Writ Petition No. 1394 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)