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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1668 OF 2026

Mohd. Ishtiyaque Shaikh and ors. : Petitioners.  
Versus.  
State of Maharashtra and anr. : Respondents.

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Mr. Manas Mishra for the Petitioners.  
Mrs. P P Bhosale, APP for the Respondent/State.  
Mr. Shadab Khopekar for the Respondent No.2.

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CORAM : ASHWIN D. BHOBE, J.

DATED : 16 APRIL 2026

PC:-

1. Heard Mr. Manas Mishra for the Petitioners, Mrs. P P Bhosale, APP for the Respondent/State and Mr. Shadab Khopekar, learned Advocate for the Respondent No.2.

2. This Petition under Article 226 of the Constitution of India and under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is filed by the Petitioners for quashing the FIR bearing No. 242 of 2025 registered with Naya Nagar Police Station (impugned FIR) and the case bearing RCC No. 12174 of 2025 pending before the Judicial Magistrate First Class, Mira Road, Thane, arising out of the impugned FIR.

3. Mr. Manas Mishra, learned Advocate for the Petitioners, and Mr. Shadab Khopekar, learned Advocate for the Respondent No.2, submit that the subject matter of the impugned FIR is a matrimonial dispute between the Petitioner No.1 (husband) and the Respondent No.2 (wife). They submit that the Petitioners and the Respondent No.2 have amicably resolved the matrimonial dispute. They submit that upon the settlement, the Petitioner No.1 and the Respondent No.2 are residing together as husband and wife, along with other Petitioners. They submit that Respondent No. 2 and the Petitioners have no dispute whatsoever and continue to reside as a happy family. They submit that the Respondent No.2 has filed an Affidavit dated 25 March 2026, acknowledging the amicable resolution of the dispute and that the Petitioner No.1 and the Respondent No.2 are residing as husband and wife. They therefore request the quashing of the impugned FIR and the charge-sheet arising out of the impugned FIR.

4. The Petitioners are present in Court and are identified by their Advocate Mr. Manas Mishra. He tenders photostat copies of the Petitioners' Identity Cards, which are taken on record and marked as "**X-Colly**" for identification.

5. Respondent No.2 is present in the Court and is identified by her Advocate Mr. Shadab Khopekar. He tenders the Photostat copy of Respondent No.2's Identity Card, which is taken on record and marked as "**X-1**" for identification.

6. Mr. Shadab Khopekar, learned Advocate for the Respondent No.2, states that the Affidavit dated 25 March 2026, affirmed by Respondent No.2 before the Notary A K Sheikh, Mira Road (E), Thane, is placed on record, the same is marked as “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 any person. She states that the contents of the Affidavit (X-2) are true and as per her say. She states that she has resolved the matrimonial disharmony with Petitioner No. 1 and the other Petitioners. She states that she is residing with the Petitioner No.1 along with other family members in her matrimonial house and she does not wish to proceed with the criminal proceedings against the Petitioners and wants to end them. She reiterates her no objection to the quashing of the criminal proceedings. She refers to paragraph Nos. 1 to 4 of her Affidavit (X-2), which are transcribed herein below in verbatim :-

*1. I say that I am the Respondent No.2 in the above Petition filed by the Petitioners for quashing of Case No. RCC 12174 of 2025 in CR No. 242 of 2025 registered with Naya Nagar Police Station wherein I am the Complainant/Original Informant. I say that the matter in issue of the said case had arisen out of matrimonial dispute between me and the Petitioner No.1.*

*2. I say that the matter is amicably resolved between me and the petitioner no 1 and we are residing together happily and I do not wish to proceed this matter against any of the Accused/present petitioners in the said case No. RCC 12174 of 2025 pending before JMFC, Mira Road in FIR NO. 242 OF 2025 registered with Naya Nagar Police Station.*

*3. I say that I have no objection for quashing the FIR bearing no 242 of 2025 registered with Naya Nagar Police Station against all the Accused therein.*

*4. I say that I am making this affidavit as a good gesture of our settlement, without any pressure or coercion in any manner whatsoever.”*

8. Mrs. P P Bhosale, learned APP for the Respondent/State, submits that as the matrimonial dispute between the Petitioners and the Respondent No.2 has been amicably resolved and that the Respondent No.2 has stated that she is residing with the Petitioner No.1 as husband and wife, Respondent No. 1 does not object to the quashing of the impugned FIR and the charge-sheet arising out of the impugned FIR. She, however, submits that, since the Petitioners and the Respondent No.2 have involved the police in a matter which was otherwise unnecessary, costs be imposed on the Petitioners.

9. Mr. Manas Mishra, learned Advocate for the Petitioners, on instructions, submits that the appropriate costs would be paid by the Petitioners.

10. Considering the facts mentioned above, the submissions of the learned Advocates for the parties, the nature of the dispute being matrimonial disharmony, Respondent No.2 having amicably resolved the dispute with the Petitioners and her no objection in the Affidavit (X-2), no useful purpose will be served by allowing the criminal prosecution to

continue. Having regard to the pronouncements of the Hon'ble Supreme Court in *Gian Singh vs State of Punjab*<sup>1</sup>, *Narinder Singh and Ors vs State of Punjab and Anr*<sup>2</sup> and *Parbatbhai Aahir @ Parbatbhai vs The State of Gujarat*<sup>3</sup>, there is no impediment in allowing this Petition.

11. In view of the above, subject to Petitioners paying costs of Rs.25,000/- this Petition is allowed in terms of prayer clause (I). Payment of costs is a condition precedent.

12. The Petitioners shall deposit the costs in the Account mentioned below within two weeks from today and file the compliance affidavit, along with proof of deposit, in the Registry of this Court on or before 04 May 2026.

**Central Police Welfare Fund**

**Director General MS Mumbai**

Account No: 914010029005759

Bank : Axis Bank Limited

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

IFSC Code: UTIB0000060

13. The Writ Petition No.1668 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)

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<sup>1</sup> 2012 10 SCC 303

<sup>2</sup> 2014 6 SCC 466

<sup>3</sup> 2017 9 SCC 641