

Sharada

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

CRIMINAL WRIT PETITION NO.1814 OF 2026

Sabir Saleh Habib and Ors. : Petitioners.
Versus.
The State of Maharashtra and Anr. : Respondents.

Mr. Tohid Shaikh i/by Mr. Rafiq Sori for the Petitioners.
Mrs. Rajeshree Newton, APP for the Respondent/State.
Mr. Prashant Mahajan for Respondent No.2.
PSI Sawant, Malvani Police Station present.

CORAM : ASHWIN D. BHOBE, J.

DATED : 23 APRIL 2026

PC:-

1. At the outset, Mr. Tohid Shaikh, learned Advocate for the Petitioners, seeks leave to amend the memo of Petition to add averments in respect of the allegations in the FIR. Mrs Rajeshree Newton learned APP for the Respondent/State and Mr. Prashant Mahajan learned Advocate for Respondent No.2, do not object to the request made by Mr. Tohid Shaikh learned Advocate for the Petitioners. In view of no objection, leave granted to amend the memo of Petition. Mr. Tohid Shaikh requests permission to carry out the amendment forthwith. Permission granted.

2. Heard, Mr. Tohid Shaikh learned Advocate for the Petitioners, Mrs. Rajeshree Newton learned APP for Respondent No.1-State and Mr. Prashant Mahajan learned Advocate for 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 Petitioners to quash the FIR bearing C.R. No. 1516 of 2025, dated 8th December, 2025, registered at Malwani Police Station, Mumbai (hereinafter “impugned FIR”), for offences punishable under Sections 85, 115(2), 352, 351(2), 316(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

4. Mr. Tohid Shaikh learned Advocate for the Petitioners and Mr. Prashant Mahajan learned Advocate for Respondent No. 2, submit that the subject matter of the impugned FIR arose out of a matrimonial dispute between Petitioner No. 1 (husband) and Respondent No. 2 (wife), which has now been amicably resolved. As a result, Petitioner No. 1 and Respondent No. 2 have reconciled and Respondent No. 2 is residing with Petitioner No. 1 in the joint family. They submit that the entire family, comprising the Petitioners and Respondent

No. 2, is now leading a peaceful and harmonious life. They submit that Respondent No. 2 has affirmed an affidavit dated 17th April, 2026, expressing her no objection to the quashing of the impugned FIR. They therefore request the quashing of the impugned FIR.

5. Petitioners are present in the Court and are identified by their Advocate Mr. Tohid Shaikh. He tenders the Photostat copies of the Petitioners' Identity Cards, which are taken on record and marked as “**X colly**” for identification.

6. Respondent No.2 is present in the Court and is identified by her Advocate Mr. Prashant Mahajan. He tenders the Photostat copy of the Identity Card of Respondent No.2, which is taken on record and marked as “**X-1**” for identification.

7. Mr. Prashant Mahajan states that the Affidavit dated 4th March, 2026, affirmed by Respondent No.2 before the Notary Indru G. Madnani, is placed on record, the same is marked as “**X-2**” for identification.

8. Respondent No. 2 states that the 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 all her differences with the Petitioners and is now happily and peacefully residing with them in the matrimonial home. She states that she does not wish to continue with the criminal proceedings and therefore gives no objection to their quashing. She requests that the criminal proceedings be quashed. She refers to paragraph Nos. 2, 3, 4, 5, 6, 7 and 8 of her Affidavit (X-2), which are transcribed verbatim:-

“2. I say that the said FIR was lodged by me against my husband, namely Sabir Saleh Habib, and my in-laws Mrs. Shahjahan Saleh Habib, Mrs. Alfisha Amjad Khan, And Mrs. Afrin Saleh Habib, Mrs. Alfisha Amjad Khan, And Mrs. Afrin Saleh Habib, due to certain matrimonial disputes and misunderstandings that had arisen between us at that time.

3. I say that after filing of the aforesaid FIR, with the intervention of family members, well-wishers, and elders, the disputes between me and my husband and his family Members have been amicably settled.

4. I say that I am presently residing with my husband at my matrimonial home at Room No.29, Plot No.72, NCC, Malwani Gate No.8, Malwani Malad West Mumbai – 400095. and we are leading a peaceful and harmonious marital life.

5. I say that all the misunderstandings and grievances have been resolved, and I no longer have any complaint whatsoever against my husband or my in-laws.

6. I say that I hereby voluntarily, without any force, coercion, or undue influence, withdraw all the allegations made by me in the aforesaid FIR.

7. *I say that I have no objection if the said FIR No.1516/2025 Registered with Malwani Police station and all consequential proceedings arising therefrom be quashed.*

8. *That I accordingly requesting this Hon'ble court that the criminal proceeding arising out of Cr. No.1516/2025, registered with Malwani police station at my instance against Mr. Sabir Saleh Habib and others be quashed".*

9. Mrs. Rajeshree Newton learned APP for the Respondent/State, submits that the matrimonial disputes between the Petitioners and the Respondent No.2 being amicably resolved and the statements made by the Respondent No. 2 in her Affidavit (X-2), the Respondent No. 1 – State does not object to the quashing of the impugned FIR. She states that, given that such a petty dispute was taken to the Police, she insists on the imposition of exemplary costs on the Petitioners as well as the Respondent No.2.

10. Mr. Tohid Shaikh, learned Advocate for the Petitioners and Advocate Mr. Prashant Mahajan, learned Advocate for Respondent No.2, on instructions, submit that appropriate costs would be paid.

11. Considering the facts mentioned hereinabove, the submissions of the learned Advocates for the parties, the nature of the dispute being matrimonial discord, the

statement of Respondent No.2 before this Court to the effect that the matrimonial dispute is settled amongst the Petitioners and Respondent No.2, that she is residing with her husband and that she has no grievance against the Petitioners, no useful purpose would be served by continuing the criminal proceedings.

12. Having regard to the pronouncements of the Hon'ble Supreme Court in *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.

13. In view of the above, this Petition is allowed in terms of prayer clause (a), subject to payment of costs of Rs. 10,000/- by each of the Petitioners and Rs. 10,000/- by Respondent No.2. Payment of costs is a condition precedent. Consequently, the impugned FIR is quashed.

14. Each Petitioner shall deposit the costs of Rs.10,000/-, and Respondent No.2 shall deposit the costs of Rs.10,000/- in the account mentioned below within three (3) weeks from today, and file the

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

compliance affidavit along with proof of deposit in the Registry of this Court on or before 10th June, 2026.

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

15. The Writ Petition No.1814 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)