

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1929 OF 2026**

Firoz Iqbal Agwan And Ors. Petitioners

Versus.

The State Of Maharashtra And Anr. ... Respondents

Mitali Varma a/w Samar Pal Omar H. and Suhai Shariff i/b Falcon Legal, for the Petitioners.

Petitioner No. 1, 2, 3, 5 and 6 present in Court and Petitioner No. 4 present through VC.

Mr. Asirul Aslam Shaikh i/b Mona Shaikh, for the Respondent No. 2.

Respondent No. 2 is present in Court.

Mrs. Anuja Gotad, APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 22nd April, 2026.

P.C. :

1. Heard Ms. Mitali Varma learned Advocate for the Petitioners, Mrs. Anuja Gotad learned APP for the Respondent – State and Mr. Asirul Shaikh learned Advocate for the Respondent No. 2.

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 Petitioners seeking to quash FIR No. 90 of 2017, dated 18.03.2017,

registered with Kurla Police Station (hereafter “impugned FIR”), for offences punishable under Sections 498A, 354, 406, 323, 504 and 34 of the Indian Penal Code, 1860 and the Chargesheet arising out of the impugned FIR registered as Case No. PW/2128/2018, pending before the Learned Judicial Magistrate First Class, 51st Court at Kurla.

3. Ms. Mitali Varma and Mr. Asirul Shaikh submit that the subject matter of the impugned FIR is a matrimonial dispute between Petitioner No. 1 (Husband) and Respondent No. 2 (Wife). They submit that the matrimonial dispute between Petitioner No. 1 and Respondent No. 2 has been amicably resolved, as a result of which Petitioner No. 1 and Respondent No. 2 have decided to part ways. They submit that Respondent No. 2 has also filed proceedings under the Protection of Women from Domestic Violence Act, 2005, registered as DVC /315/2016. They submit that in the said proceedings, Petitioner No. 1 and Respondent No. 2 have filed consent terms dated 17.01.2026 (placed at Exhibit “B” page Nos. 76 to 82 of the Petition paper book). They submit that in view of the settlement, Respondent No. 2 has given her no objection to the quashing of the impugned FIR and the chargesheet in her Affidavit dated 20.04.2026. They therefore request the quashing of the criminal proceedings.

4. The Petitioner Nos. 1, 2, 3, 5 and 6 are present in Court. Petitioner No. 4 is present through VC. All the Petitioners are identified by their Advocate Ms. Mitali Varma. She tenders photocopies of the identity cards (6 nos.) of the Petitioners, which are taken on record and marked as **“X-colly”** for identification.

5. Respondent No. 2 is present in Court and is identified by her Advocate Mr. Asirul Shaikh. He submits a photocopy of Respondent No. 2's identity card, which is taken on record and marked as **“X-1”** for identification.

6. Mr. Asirul Shaikh states that the Affidavit dated 20.04.2026 affirmed by the Respondent No. 2, before the Notary S. N. Dhange, Mumbai, is placed on record, the same is marked as **“X-2”** for identification.

7. Respondent No. 2 states that she has filed the Affidavit (X-2) of her own free will, without any force or coercion from anyone. She states that the contents of the Affidavit (X-2) are true and as per her say. She states that in view of her decision to part ways with the Husband (i.e., the Petitioner No. 1), she has filed consent terms in DVC/315/2016. She submits that she and the Petitioner No. 1 are separated as per their

religious law “*Khula*”. She states that she has no intention of continuing with the criminal proceedings and as such, has no objection to the quashing of the impugned FIR and the chargesheet. She reiterates her settlement in the consent terms filed in DVC/315/2016 and relies on paragraph Nos. 2, 3, 4, 5, 6 and 7 of her Affidavit (X-2), which are transcribed herein below in verbatim:-

“3. *I further state that the Petitioners have agreed and undertakes to hand over to me all the gold ornaments weighing 9.3 tolas/grams, (With Gunda & Stone), Gold Mangal Sutra 10.3 gms and also to pay me a sum of Rs. 1,18,000/- (Rupees One Lakh Eighteen Thousand Only) towards the full and final settlement towards the maintenance, alimony, compensation and residence for the past, present and future and I have received the said amount from the Petitioners and I have no complaint or any grievance left against the said Petitioners (Org. Accused No. 1 to 6) I further states that both the parties have also caused to arrive at a settlement and have caused to exchange their respective jewelries.*

4. *I crave leave to refer to and rely upon the said Complaint/FIR/Statement and Consent Term between the parties, as if the same is forming part of my present affidavit. I further state that I or my family members shall not press for any compensation and/or claim any damages against the said Petitioners (Org. Accused No. 1 to 6) in the future over the said cause and so also the same act will be reciprocated by the Petitioners.*

5. *I further states that I or my family members shall not file any Civil or Criminal case against the Petitioners before any forum or Court of Law, anytime in the future.*

6. *I say that I have no complaint against the Petitioners and I do hereby cause to withdraw all allegations, complaint/s made against Petitioners before any forum in writing or otherwise.*

7. *I say that I am making this affidavit in the said Petition for placing the true and correct facts and of my consent for quashing the present case against the Petitioners and withdrawal of all the allegations and issues levied by me and I do hereby say that the said consent is true and without any force or coercions from any persons and/or persons. I say that the said facts are true and I believe the same to be true to the best of my knowledge.”*

8. Mrs. Anuja Gotad learned APP for the Respondent – State submits that in view of the matrimonial dispute between the Petitioners and the Respondent No. 2 being amicably resolved by filing consent terms before the Judicial Magistrate First Class 51th Court at Kurla, Mumbai in DVC/315/2016, the statements made by the Respondent No. 2 before this Court as also the statements made in her Affidavit (X-2), the Respondent No. 1 has no objection for quashing of the impugned FIR and the chargesheet arising out of the impugned FIR. She, however, insists on the imposition of costs on the Petitioners and the Respondent No. 2 for dragging a matrimonial dispute to the Police Station.

9. Ms. Mitali Varma and Mr. Asirul Shaikh, on instructions from the Petitioners and the Respondent No. 2 state that they shall pay appropriate costs.

10. Considering the settlement of the matrimonial dispute between the Petitioners and Respondent No. 2 in the Domestic Violence proceedings

on consent terms dated 17.01.2026, the submissions of the learned Advocate for the parties, the decision of Petitioner No. 1 and Respondent No. 2 to separate by way of Khula and the statements made by Respondent No. 2 today before this Court and in her Affidavit (X-2), no useful purpose would be served by continuing the criminal proceedings.

11. 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.

12. In view of the above, this Petition is allowed in terms of prayer clause (a), subject to payment of cost of Rs. 15,000/- each by the Petitioners and Rs. 15,000/- by 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.

13. The Petitioners shall deposit the cost of Rs. 15,000/- each (total of Rs. 90,000/-) in the account mentioned below within a period of three (3) weeks from today.

1 2012 10 SCC 303

2 2014 6 SCC 466

3 2017 9 SCC 641
Arjun

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

14. The Respondent No. 2 shall deposit the cost of Rs. 15,000/- in the account mentioned below within a period of three (3) weeks from today.

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

15. The compliance affidavit, along with the proof of deposit, shall be filed by the Petitioners and Respondent No. 2 in the Registry of this Court on or before 10.06.2026.
16. Writ Petition No. 1929 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)