

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2118 OF 2026**

Mazhar Hafeez Kardar

Alias Mazhar Hafij Kardar And Anr.

... Petitioners

Versus

The State Of Maharashtra Through
Senior Inspector Of Police Oshiwara
Police Station And Anr.

...Respondents

Mr. Ajay Nuniwal a/w Vinod Jadhav and Smitta Dubey, for the
Petitioners.

Mr. Siddhesh Savle a/w Noorul Ansari Nisha, for the Respondent
No. 2

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

PSI Dipak Thorat, Oshiwara Police Station, is present.

CORAM : ASHWIN D. BHOBE, J.

DATE : 30th April, 2026.

P.C. :

1. This Petition is circulated pursuant to the praecipe dated 28.04.2026, same is taken on record and marked as “A” for identification.

2. Heard Mr. Ajay Nuniwal, learned Advocate for the Petitioners, Mrs. Anuja Gotad, learned APP for the Respondent –

State and Mr. Siddhesh Savle, 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 Petitioners seeking to quash the FIR No. 125 of 2009, dated 15.04.2009, registered with Oshiwara Police Station (hereinafter "*impugned FIR*"), for offences punishable under Sections 498-A, 307, 406 and 34 of the Indian Penal Code, 1860 and the chargesheet registered as Case No. 941/PW/2011, pending before the learned Judicial Magistrate First Class, 65th Court, Andheri, Mumbai.

4. Mr. Ajay Nuniwal and Mr. Siddhesh Savle submit that the subject matter of the impugned FIR pertains to a matrimonial dispute between the Petitioner No. 1 (Husband) and the Respondent No. 2 (Wife). They submit that the matrimonial dispute between the Petitioners and the Respondent No. 2 is amicably resolved. They submit that the Petitioner No. 1 and the Respondent No. 2 are separated by way of "*Talaq*". They submit that in view of the settlement, the Respondent No. 2 has affirmed

the Affidavit dated 24.04.2026, giving her no objection to the quashing of the criminal proceedings filed against the Petitioners. They therefore request the quashing of the impugned FIR and the chargesheet.

5. The Petitioners are present in Court and are identified by their Advocate Mr. Ajay Nuniwal. He tenders photocopies of the identity cards of the Petitioners (2 Nos.) which are taken on record and marked as **“X-Colly”** for identification.

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

7. Mr. Siddhesh Savle states that the Affidavit dated 24.04.2026 affirmed by the Respondent No. 2 before the Registry of this Court is placed on record, same is marked as **“X-2”** for identification.

8. 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 the matrimonial dispute she had with the Petitioner No. 1 is amicably resolved. She states that she is now separated from the Petitioner No. 1 by way of talaq and intends to live a peaceful life. She submits that she does not want to continue with the criminal proceedings and wants to put an end to the same. She reiterates her no objection to the quashing of the criminal proceedings against the Petitioners by referring to paragraph Nos. 3 to 6 of her Affidavit (X-2), which are transcribed herein below in verbatim :-

3. I say that, due to outburst of emotions, misunderstanding of facts and personal differences between me and my former husband and his family members, I had registered the above said F.I.R. against the above named Petitioners, however, I have now settled all the personal differences with the Petitioners being my husband and brother-in-law.

4. I say that, subsequently, all disputed and differences between the parties have been amicably resolved and settled. The marriage between me and the Petitioner No. 1 stands dissolved by way of Talaq pronounced by him on 12.04.2009, and we have separated peacefully with mutual consent. No ill-will or grievances remain.

5. In premises and circumstances aforesaid, I do not wish to prosecute the above said Application any

further and I wish to unconditionally withdraw all the allegations leveled by me in the F.I.R. against the above said Applicant. I have no intention to prosecute the matter further and confirm that the allegations were made in the heat of the moment due to matrimonial issues, which now stand resolved.

6. I hereby further state, submit, record and declare that I have no objection of whatsoever nature if the above said F.I.R. No. 125 of 2009 dated 15.04.2009 registered with Oshiwara Police station, Mumbai, for the offences under sections 498A, 307, 406 and 34 of the Indian Penal Code, 1860, chargesheet for the offences under sections 498A, 406 and 34 of the Indian Penal Code, 1860 and also the Criminal Case bearing No. 941/PW/2011 came to be registered in the Ld. Judicial Magistrate (First Class), 65th Court, At Andheri, Mumbai, is quashed and set aside.

9. Mrs. Anuja Gotad, learned APP for the Respondent – State, submits that the matrimonial dispute between the Petitioners and the Respondent No. 2 being amicably resolved, Respondent No. 1 – State, has no objection to the quashing of the impugned FIR and the chargesheet. However, she insists on imposing costs on the Petitioners and the Respondent No. 2 for dragging a private dispute to the Police Station when it was not required.

10. Mr. Ajay Nuniwal and Mr. Siddhesh Savle, on instructions from the Petitioners and the Respondent No. 2, state that they

shall pay appropriate costs.

11. Considering the facts mentioned hereinabove, the submissions of the learned Advocates, the matrimonial dispute between the Petitioners and the Respondent No. 2 being amicably resolved, the separation of the Respondent No. 2 from the Petitioner No. 1 and the statements made by the Respondent No. 2 before this Court today and in her Affidavit (X-2), no useful purpose would be served by continuing the criminal proceedings.

12. 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.

13. In view of the above, this Petition is allowed in terms of prayer clause (b), subject to payment of costs of Rs. 25,000/- each by the Petitioners (i.e. a total of Rs. 50,000/- by the Petitioners)

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

and Rs. 25,000/- by the Respondent No. 2. Payment of costs is a condition precedent. Consequently, the impugned FIR and the chargesheet arising therefrom are quashed.

14. The Petitioners shall jointly deposit the cost of Rs. 50,000/- (Rs. 25,000/- each) and Respondent No. 2 shall deposit the cost of Rs. 25,000/- in the account mentioned below within four (4) weeks from today:-

Account Name :	Bar Council of Maharashtra and Goa Advocate Aid Fund.
Bank Name :	State Bank of India
Branch Name :	Mumbai Main Branch
Account Number :	10996711937
IFSC Code :	SBIN0000300
Type of Account :	Saving A/c

15. The compliance affidavit, along with the proof of deposit, shall be filed with the Registry of this Court by the Petitioners and Respondent No. 2 on or before 15.06.2026.

16. Writ Petition No. 2118 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)

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