

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2294 OF 2026

Sean Mark D'souza And Ors. ... Petitioners

V/S.

The State Of Maharashtra And Ors. ... Respondents

Ms. Ridhi Thakkar, learned Advocates for the Petitioners.

Petitioners are present in Court.

Mr. Mohit Salvi, for the Respondent No. 3.

Respondent No. 3 is present in Court.

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

CORAM : ASHWIN D. BHOBE, J.

DATE : 28th April, 2026.

P.C. :

1. This Petition is at Serial No. 64. At 3:00 p.m, Ms. Ridhi Thakkar and Mr. Mohit Salvi, learned Advocates for the parties, request for taking up this Petition out of turn in view of the urgency which includes the presence of a person in Court who is a person with disabilities. At the request of the learned Advocates for the parties, this Petition is taken up.

2. Heard Ms. Ridhi Thakkar, learned Advocate for the Petitioners, Mrs. Anuja Gotad, learned APP for the Respondent –

State and Mr. Mohit Salvi, learned Advocate for the Respondent No. 3.

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 FIR No. 149 of 2023 dated 01.05.2023, (hereinafter "*impugned FIR*"), registered with Kharghar Police Station for offences punishable under Sections 498-A, 403, 406, 504, 506, 34 of the Indian Penal Code, 1860 and the chargesheet registered as Case No. R.C.C. 30 of 2024 pending before the learned Judicial Magistrate First Class, at Panvel.

4. Ms. Ridhi Thakkar and Mr. Mohit Salvi, submit that the subject matter of the impugned FIR and the chargesheet is a matrimonial dispute between the Petitioner No. 1 (Husband) and the Respondent No. 3 (Wife). They submit that the said matrimonial dispute is amicably resolved between the Petitioners and the Respondent No. 3. They submit that the Petitioner No. 1 and the Respondent No. 3 have filed proceedings seeking divorce by mutual consent. They submit that in view of the amicable resolution of the matrimonial dispute between the Petitioners and

the Respondent No. 3, the Respondent No. 3 has filed an Affidavit dated 15.04.2026, giving her no objection for quashing of the impugned FIR and the chargesheet. They therefore request for quashing of the impugned FIR and the chargesheet.

5. The Petitioners are present in Court and are identified by their Advocate Ms. Ridhi Thakkar. She submits photocopies of the identity cards of the Petitioners which are taken on record and marked “**X-Colly**” for identification.

6. Respondent No. 3 is present in Court and is identified by her Advocate Mr. Mohit Salvi. He submits a photocopy of the Respondent No. 3’s identity card, which is taken on record and marked as “**X-1**” for identification.

7. Mr. Mohit Salvi states that the Affidavit dated 15.04.2026 affirmed by the Respondent No. 3 before the Registry of this Court, is placed on record, the same is marked as “**X-2**” for identification.

8. Respondent No. 2 states that she has filed the Affidavit (X-2) out 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 between her and the Petitioners is amicably resolved. She submits that, she and the Petitioner No. 1 have decided to separate and have filed for divorce by mutual consent. She states that in view of the settlement, she has no interest in continuing with the criminal proceedings and as such, has no objection to the quashing of the impugned FIR and the chargesheet. She reiterates her no objection in her Affidavit (X-2) for quashing of the impugned FIR and the chargesheet. She refers to paragraph No. 7 of her Affidavit (X-2) which is transcribed herein below in verbatim. :-

7) I say that pursuant to lodging of FIR by me bearing No. 149/2023, at Kharghar Police Station, the concern police filed Chargesheet and now the case bearing RCC No. 30/2024 is pending before the Ld. Judicial Magistrate First Class, Panvel. I say that to quash the said FIR and criminal proceedings, the Petitioners have filed a quashing Petition and I have no objection if the said FIR and proceedings are quashed and set aside and I hereby give consent to quash and set aside this criminal proceedings. I say that I have agreed and consented to accept the amount of Rs. 13,55,000/- towards my alimony and entire settlement of claim before quashing of this FIR and criminal proceedings against the Petitioners.

9. Mrs. Anuja Gotad, learned APP for the Respondent No. 1 – State, submits that the matrimonial dispute being settled between the Petitioners and the Respondent No. 3, The Respondent No. 1 – State has no objection for quashing of the impugned FIR and the chargesheet arising out of the impugned FIR. She, however, submits that a matrimonial dispute, which was otherwise not required to be dragged to the Police Station, being dragged to the Police Station, warrants imposition of cost on the Petitioners and the Respondent No. 3.

10. Ms. Ridhi Thakkar and Mr. Mohit Salvi, on instruction from the Petitioners and the Respondent No. 3 state that they shall pay appropriate costs.

11. Considering the facts mentioned herein above, the submissions of the learned Advocates, the matrimonial dispute between the Petitioners and the Respondent No. 3 being resolved and the statements made by the Respondent No. 3 before this Court today and in her Affidavit (X-2), no useful purpose would be served in continuing with the criminal proceedings.

12. Having regards 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 (d), subject to payment of cost of Rs. 20,000/- jointly by the Petitioners and Rs. 15,000/- by the Respondent No. 3. Payment of costs is a condition precedent. Consequently, the impugned FIR and the chargesheet arising out of the impugned FIR are quashed.

14. The Petitioners shall deposit the cost of Rs. 20,000/- in the account mentioned below within a period of three (3) weeks from today.

The High Court Employees Medical Welfare Fund at Mumbai

1 2012 10 SCC 303

2 2014 6 SCC 466

3 2017 9 SCC 641

Account No.:	000120110001337
Bank :	Bank of India
Branch :	Mumbai Main
IFSC Code :	BKID0000001

15. The Respondent No. 3 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

16. The compliance affidavit along with the proof of deposit, shall be filed by the Petitioners and the Respondent No. 3 in the Registry of this Court on or before 10.06.2026.

17. This Petition is allowed in the above said terms.

(ASHWIN D. BHOBE, J.)

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