

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

CRIMINAL WRIT PETITION NO. 2297 OF 2026

Jignesh Ashokbhai Lumbhani and ors. : Petitioners.

Versus.

State of Maharashtra and anr. : Respondents.

Ms. Seema Sarnaik, Senior Advocate a/w Advocates Sangeeta Salvi and Pooja Chettiar for the Petitioners.

Mr. Sukanta Karmakar, APP for the Respondent/State.

Ms. Neeta Parekh a/w Advocate Sandeep for Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 30 APRIL 2026

PC:-

1. Heard Ms. Seema Sarnaik, learned Senior Advocate for the Petitioners, Mr. Sukanta Karmakar, learned APP for the Respondent/State and Ms. Neeta Parekh, learned Advocate for 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 for quashing the FIR bearing 408 of 2021 dated 07 October 2021, registered with Bhayandar Police Station (impugned FIR), for offences punishable under Sections 498A, 323, 504, 506, and 34 of the Indian Penal Code and the charge-sheet bearing

RCC/1873/2025, pending before the 2nd Joint Civil Judge, Junior Division, Mira Bhayandar, Thane.

3. Ms. Seema Sarnaik, learned Senior Advocate, for the Petitioners and Ms. Neeta Parekh, learned Advocate for Respondent No.2, 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 the Petitioners and Respondent No.2 has been amicably resolved. They submit that Petitioner No.1 and Respondent No.2 have been granted a divorce by mutual consent by the Family Court, Thane, in Marriage Petition No. A-655/2022. They further submit that, in view of the amicable settlement of the matrimonial dispute, Respondent No.2 has no grievance against the Petitioners and has, by the Affidavit dated 29 April 2026, given her no objection to the quashing of the criminal proceedings. They therefore request the quashing of the impugned FIR and the charge-sheeting arising therefrom.

4. Petitioner Nos.2 and 4 appears through V.C. Petitioner Nos. 1 and 3 are present in the Court. Petitioners are identified by Ms. Seema Sarnaik. She tenders the 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 Ms Neeta Parekh. She tenders the

Photostat copy of Respondent No.2's Identity Card, which is taken on record and marked as "**X-1**" for identification.

6. Ms. Neeta Parekh, learned Advocate for the Respondent No.2, states that the Affidavit dated 29 April 2026 affirmed by Respondent No.2 before the Notary P. S. Gujar, Greater Mumbai is placed on record, the same is marked with "**X-2**" for identification.

7. Respondent No. 2 is present in Court and states that the matrimonial dispute between her and the Petitioners is amicably resolved. She states that she is separated from Petitioner No. 1. She states that she now wants to live a peaceful life and therefore does not intend to continue with the criminal proceedings, as such she has given her no objection by the Affidavit (X-2). She states that she will not be supporting the prosecution case. She states that the said Affidavit (X-2) is filed out 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 as per her say. Respondent No. 2, therefore, requests the quashing of the impugned FIR and the criminal proceedings arising therefrom.

8. Mr. Sukanta Karmakar, learned APP for the Respondent/State, submits that since the matrimonial dispute between the Petitioners and Respondent No.2 has been resolved, Respondent No.1 does not object to the request for quashing the impugned FIR and the criminal proceedings arising therefrom. However, he submits that the matrimonial

dispute was unnecessarily dragged to the police station, setting the police machinery in motion, as such, he insists on the imposition of exemplary costs on the Petitioners as well as Respondent No.2.

9. Ms. Seema Sarnaik, learned Senior Advocate for the Petitioners and Ms. Neeta Parekh, learned Advocate for the Respondent No.2, on instructions, submit that the appropriate costs would be paid.

10. Considering the facts mentioned hereinabove, the submissions of the learned Advocates for the parties, the matrimonial dispute between the parties being amicably resolved, the Petitioner No.1 and Respondent No.2 being separated by way of divorce, Respondent No.2 giving her no objection and the statements made by Respondent No.2 in the Affidavit (X-2), no useful purpose will be served by allowing the criminal prosecution to continue.

11. 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.

12. In view of the above, subject to each of the Petitioners paying costs of Rs.15,000/- and the Respondent No.2 paying

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

costs of Rs.15,000/- Writ Petition No.2297 of 2026 is allowed in terms of prayer clause (b). Payment of costs is a condition precedent. Consequently, the impugned FIR and the Chargesheet arising out of the impugned FIR are quashed.

13. Each of the Petitioners shall deposit costs of Rs.15,000/-, and Respondent No.2 shall deposit costs of Rs.15,000/- in the Account mentioned below within five weeks from today and file the compliance affidavit along with proof of deposit in the Registry of this Court on or before 17th June 2026.

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

14. The Writ Petition No. 2297 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)