

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2300 OF 2026**

Amaanullah Azimullah Shaikh And Ors. ... Petitioners

Versus

State Of Maharashtra And Anr. ... Respondents

Ms. Gayatri Gokhale a/w Sneha and Kiara Alves, for the
Petitioners.

Petitioner Nos.1, 3 and 4 are present in Court.

Petitioner Nos. 2 and 5 are present through VC.

Ms. Vipula Naik, for the Respondent No. 2.

Respondent No. 2 is present in Court.

Mrs. Rajeshree Newton, APP for the Respondent – State.

PSI Prakash Sonawane, Powai Police Station, is present.

CORAM : ASHWIN D. BHOBE, J.

DATE : 7th May, 2026.

P.C. :

1. Heard Ms. Gayatri Gokhale, learned Advocate for the
Petitioners, Mrs. Rajeshree Newton, learned APP for the
Respondent – State and Ms. Vipula Naik, 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. 0211 of 2026, dated 28.02.2026, registered with Powai Police Station (hereinafter "*impugned FIR*"), for offences punishable under Sections 85, 84, and 316 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Ms. Gayatri Gokhale and Ms. Vipula Naik submit that the subject matter of the impugned FIR is a matrimonial dispute between Petitioner No. 1 (Husband) and Respondent No. 2 (Wife). They further submit that the matrimonial dispute between the Petitioners and Respondent No. 2 has been amicably resolved. They further submit that, in view of this resolution, Petitioner No. 1 and Respondent No. 2 have reconciled their differences and are living together as Husband and Wife, along with other family members (i.e. Petitioner Nos. 3 and 4). They further submit that, in view of the settlement of the matrimonial dispute, Respondent No. 2 has affirmed an Affidavit dated 29.04.2026, stating her no objection to the quashing of the criminal proceedings.

4. The Petitioner Nos. 1, 3 and 4 are present in court. Petitioner Nos. 2 and 5 are present through VC. They are identified by their

Advocate Ms. Gayatri Gokhale. She tenders photocopies (5 Nos.) of the identity cards of the Petitioners which are taken on record and marked **“X-colly”** for identification.

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

6. Ms. Vipula Naik, learned Advocate for the Respondent No. 2, submits that the original Affidavit dated 29.04.2026, affirmed by the Respondent No. 2 before the Assistant Registrar of this Court, is filed by her in the Registry of this Court. Statement made by Ms. Vipula Naik, of the Affidavit being filed in the Registry of this Court, is accepted. She tenders photostat copy of the Affidavit dated 29.04.2026, affirmed by the Respondent No. 2 before the Registry of this Court which is taken on record and marked as **“X-2”** for identification.

7. Respondent No. 2 states that the Affidavit (X-2) is filed of her own free will and without any pressure or coercion from

anyone. She states that she has voluntarily and amicably resolved her differences with Petitioner No. 1 and his family members. She submits that, in view of the amicable resolution, she is now residing with Petitioner No. 1 (Husband) and his family members (Petitioner Nos. 3 and 4). She states that there is no difference of opinion between her and Petitioner No. 1 (Husband). She states that the continuation of the criminal proceedings would cause distress and agony to her as well as the Petitioners. She submits that, in view of the amicable resolution of the dispute, she has no interest in continuing the criminal proceedings. She requests the quashing of the impugned FIR. She reiterates her no objection to the quashing of the impugned FIR, relying on the statements made by her in Paragraph Nos. 2, 3 and 4 of her Affidavit (X-2), which are transcribed herein below in verbatim :-

2. I say that the Petitioner No.1 and I have amicably resolved our disputes and have entered into Consent Terms dated 20.04.2026 signed before the Ld. Mediator of the Dindoshi Court, whereby the we have reconciled and agreed that I shall resume cohabitation with the Petitioner No. 1. I further say that the said Consent Terms have been duly filed before the Hon'ble Sessions Court at Dindoshi, Borivali Division, in Anticipatory Bail Application No. ABA 381 of 2025, on 20.04.2026, preferred by the present Petitioners.

3. I say that in light of the amicable settlement arrived at between the Petitioner No.1 and me and upon the execution of the Consent Terms, I have no grievance remaining against the Petitioners and, therefore, I voluntarily and unequivocally express my desire to withdraw the FIR bearing C.R. No. 0211 of 2026 and the proceedings arising therefrom, and I state that I have no objection if the said FIR and all consequential proceedings are quashed and set aside by this Hon'ble Court. I further say that I do not want to proceed against the Petitioners as I have reconciled with them and resumed co-habitation.

4. I say that I had filed the present FIR due to some misunderstanding between me and the Petitioner No.1 but as the dispute is now resolved and I have resumed cohabitation with the Petitioner No.1 and have reconciled with the Petitioners, I do not want to proceed with the FIR and shall not lead evidence, oral or written, before the police and/or Court.

8. Ms. Rajeshree Newton, learned APP for the Respondent – State, submits that the matrimonial dispute between the Petitioners and the Respondent No. 2 having been resolved, the Respondent No. 1- State has no objection to the quashing of the impugned FIR. She, however, submits that a matrimonial dispute being taken to the Police Station, when it was not required and the police machinery being utilized for settling such disputes warrant the imposition of costs on the Petitioners and the Respondent No. 2.

9. Ms. Gayatri Gokhale and Ms. Vipula Naik, learned Advocates on instructions from the Petitioners and Respondent No. 2, submit that the appropriate costs will be paid.

10. Considering the facts mentioned above, the submissions of the learned Advocates, the subject matter being a matrimonial dispute between the Petitioners and the Respondent No. 2, which is now resolved and the statements made by the Respondent No. 2 before this Court and in her Affidavit (X-2), no useful purpose would be served by continuing the criminal proceedings.

11. 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.

12. In view of the above, this Petition is allowed in terms of prayer clause (a), subject to payment of costs of Rs. 20,000/- each

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

by the Petitioners and Rs. 20,000/- by Respondent No. 2. Payment of costs is a condition precedent. Consequently, the impugned FIR is quashed.

13. The Petitioners shall jointly deposit the cost of Rs. 1,00,000/- (Rs. 20,000/- each) and the Respondent No. 2 shall deposit a cost of Rs. 20,000/- in the account mentioned below within a period of 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

14. 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 15.06.2026.

15. Writ Petition No. 2300 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)

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