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

CRIMINAL WRIT PETITION NO.2493 OF 2026

Vishal Sanjay Gajhans : Petitioner.
Versus.
State of Maharashtra and anr. : Respondents.

Mr. Amrish Salunke for the Petitioner.
Mr. V B Konde-Deshmukh, APP for the Respondent/State.
Ms. Kamini Yadav for Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 07 MAY 2026

PC:-

1. Heard Mr. Amrish Salunke, learned Advocate for the Petitioner, Mr. V B Konde-Deshmukh, learned APP for the Respondent/State and Ms. Kamini Yadav, 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 Petitioner for quashing the FIR bearing No. 212 of 2026, dated 20 April 2026, registered with the Tilak Nagar Police Station, Mumbai (impugned FIR), for the offence punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023.

3. Amrish Salunke, learned Advocate for Petitioner and Ms. Kamini Yadav, learned Advocate for Respondent No.2, submit that the subject matter of the impugned FIR is a misunderstanding between the Petitioner and Respondent No.2. They submit that it was on account of the misunderstanding between the Respondent No.2 and the Petitioner that the Respondent No.2 filed the complaint before the Respondent No.1-Police Station. They submit that the Petitioner and Respondent No.2 have resolved their dispute and they have decided to marry each other.

4. Mr. Amrish Salunke, learned Advocate for the Petitioner, submits that upon registration of the impugned FIR, the Applicant was taken in custody and presently lodged in Thane Central Prison, Thane.

5. Mr. Amrish Salunke, learned Advocate for the Petitioner, has placed on record the Affidavit dated 4th May 2026, affirmed by the Petitioner before the Jailer, Grade-I, Thane Central Prison, Thane. The said Affidavit is at Page Nos. 17 to 19 of the paper book and is marked with "P" for identification. He states that the Petitioner shall be marrying Respondent No.2. He states that the family of the Petitioner has approved the marriage of the Petitioner with the Respondent No. 2. He further states that the Petitioner has made the following statements in paragraphs 3 to 5 of his Affidavit (P), which are reproduced herein verbatim :-

“3. I respectfully state that I have genuine intention to marry the informant and I am ready and willing to solemnize marriage with the informant.

4. I further state that due to my present incarceration in judicial custody, I am unable to take necessary steps towards solemnization of marriage.

5. I therefore undertake before this Hon’ble Court that immediately upon being released from prison, I shall take all necessary steps and shall marry the informant within a period of two (2) months from the date of my release, subject to her consent and willingness.”

6. Mr. Amrish Salunke, learned Advocate for the Applicant, on instructions from the Petitioner, states that the statements made by the Petitioner in the Affidavit (P) be accepted as an undertaking to the Court.

7. Mr. Amrish Salunke, learned Advocate for the Petitioner and Ms. Kamini Yadav, learned Advocate for Respondent No.2, submit that in view of the settlements and the decision of the Petitioner to marry Respondent No.2, Respondent No.2 has, in her Affidavit dated 7th May 2026, given her no objection to the quashing of the impugned FIR. They therefore request the quashing of the impugned FIR.

8. Mr. Amarish Salunke, learned Advocate for the Petitioner, has placed the Photostat copy of the Petitioner’s Identity Card, which is taken on record and marked as “X” for identification.

9. Respondent No.2 is present in the Court and is identified by her Advocate. Ms Kamini Yadav. She tenders the

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

10. Ms Kamini Yadav, learned Advocate for the Respondent No.2, states that the Affidavit dated 7th May 2026 affirmed by Respondent No.2 before the Registry of this Court is placed on record, the same is marked as "X-2" for identification.

11. Respondent No. 2 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. She states that she and Petitioner have amicably resolved the dispute and have decided to marry. She states that she has given her consent to the marriage with the Petitioner. She states that in view of the conscious decision of the Petitioner to marry her, she has no objection to quashing the impugned FIR. She states that after the marriage, she and the Petitioner shall stay together. She states that she will not support the prosecution's case. She reiterates her no objection to the quashing of the impugned FIR. She relies on paragraph Nos. 2 to 4 of her Affidavit (X-2) which are transcribed herein below in verbatim :-

"2 I say that after registration of the aforesaid FIR, discussion and settlement talks took place between myself and the Petitioner along with intervention of family members and respectable persons.

3. I say that I have no objection if this Hon'ble Court is pleased to quash and set aside the FIR bearing C. R. No.212 of 2026 registered with Tilak Nagar Police Station and consequential proceedings arising therefrom

4. I say that the consent and no objection given by me herein is voluntarily, without any force, coercion or undue influence from any person whatsoever.

12. Mr. V B Konde-Deshmukh, learned APP for the Respondent/State, submits that in view of the resolution of the matter between the Petitioner and Respondent No.2, further the decision of the Petitioner as stated by Mr. Amrish Salunke, learned Advocate for the Petitioner, is to marry Respondent No.2 immediately upon being released from jail, Mr. V B Konde-Deshmukh states that the Respondent No.1-State does not object to the quashing of the impugned FIR. He states that quashing the impugned FIR would help the parties build their relationship and lead a happy married life. However, he insists for imposition of costs on the Petitioner.

13. Mr. Amrish Salunke, learned Advocate for the Petitioner, on instructions, submits that the appropriate costs would be paid by the Petitioner.

14. The Hon'ble Supreme Court in the case of Madhukar v. State of Maharashtra¹ in paragraph 6 has observed as under :-

- 6. At the outset, we recognise that the offence under Section 376 IPC is undoubtedly of a grave and heinous nature. Ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. However, the power of the Court under Section 482 CrPC to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case.

¹ 2025 SCC OnLine SC 1415

15. Considering the facts mentioned herein above, the submissions of the learned Advocates for the parties, more particularly, the statements made by Mr. Amrish Salunke, learned Advocate for the Petitioner in the context of the Petitioner and Respondent No.2 deciding to marry each other, the statements made by the Respondent No.2 before this Court and in her Affidavit (X-2), Respondent No.2 consenting to marry the Petitioner and the Respondent No. 2 making a clear and categorical statement of she not supporting the prosecution case, no useful purpose will be served by allowing the criminal prosecution to continue. Continuation of the criminal case would cause agony to Respondent No. 2 as well as the Petitioner. Mr. V B Konde-Deshmukh, learned APP has given his no objection to the quashing of the impugned FIR.

16. Having regard to the pronouncements of the Hon'ble Supreme Court in *Gian Singh vs State of Punjab*², *Narinder Singh and Ors vs State of Punjab and Anr*³ and *Parbatbhai Aahir @ Parbatbhai vs The State of Gujarat*⁴, and *Sandeep Singh Thakur Vs. State of Madhya Pradesh and Anr*⁵ to secure ends of justice this petition is allowed.

17. In view of the above, subject to Petitioner paying costs of 25,000/- this Petition is allowed in terms of prayer clause (a). Payment of costs is a condition precedent. Consequently, the impugned FIR is quashed.

² 2012 10 SCC 303

³ 2014 6 SCC 466

⁴ 2017 9 SCC 641

⁵ 2025 SCC OnLine SC 2927

18. The Petitioner shall deposit the costs in the account mentioned below within three weeks from today and file the compliance affidavit, along with proof of deposit, in the Registry of this Court on or before 10th June 2026.

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID00000001

19. Criminal Writ Petition No.2493 of 2026 is disposed of.

20. All concerned to act upon an authenticated copy of this order.

(ASHWIN D. BHOBE, J.)