

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 17 OF 2026

Amol Tukaram Yamgar & Ors. ... Applicants.

V/s.

The State of Maharashtra & Anr. ... Respondents.

Mr. Rahul Hande, Mr. Rahul Hande, Ms. Prajakta Khedekar,
Advocate for Applicants.

Mr. Digvijay S. Kachare a/w. Mr. Anay Joshi i/b. Ms. Saili Dhuru,
Advocate for Respondent No. 2.

API Shirke, Vartaknagar Police Station.

Mr. Tanveer Khan, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 6th FEBRUARY, 2026.

P.C. :

1. This Application under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 is preferred by the Applicants against
the FIR bearing No. 0106 of 2023 registered with Vartak Nagar Police
Station, Thane for offences punishable under Section 498(A), 406, 323,
504, 506, read with Section 34 of Indian Penal Code and the charge-
sheet registered as C.C. No. RCC/3850/2023 pending on the file of 4th Jt.

Civil Judge, J.D. Judicial Magistrate of First Class at Thane, arising out of the said FIR.

2. Applicant No. 1 is present in person. Applicant Nos. 2 to 7 are appearing through V.C. Mr. Rahul Hande, Advocate for the Applicants identifies the Applicants and tenders their photo identity cards (7 nos.), same are taken on record and collectively marked as “**X colly.**” for identification.

3. Respondent No. 2 is present in the court with her Advocate Mr. Digvijay S. Kachare. He tenders photo identity card of Respondent No. 2, same is taken on record and marked “**X-1**” for identification.

4. Mr. Rahul Hande and Mr. Digvijay Kachare state that matrimonial dispute between the Applicants and Respondent No. 2 is resolved and the Respondent No. 2 alongwith Applicants are residing happily together in the matrimonial house. They submit that out the said wedlock, the Applicant No. 1 (husband) and Respondent No. 2 (wife) are blessed with a child. In view of the resolution of the dispute, they submit that the Respondent No. 2 has no objection for quashing of the criminal proceedings.

5. Mr. Digvijay S. Kachare tenders affidavit dated 3rd February, 2026 affirmed by Respondent No. 2 before Notary Shane Cardoz, same is taken on record and marked as “X-2” for identification. Respondent No. 2 states that the affidavit (“X-2”) is filed by her out of her free will and without any pressure from any person. She states that the contents of the affidavit (“X-2”) are as per her say. She reiterates her statements and states that she has no objection for quashing of the proceedings.

6. Mr. Tanveer Khan, learned APP for the State submits that in view of the statements made by the Respondent No. 2 in the affidavit (“X-2”) of having amicably resolved the matter with the Applicants, criminal proceedings which are subject matter of this petition can be quashed.

7. Considering the afore referred circumstances, the nature of dispute which is amicable resolved between parties, the statements made by the Respondent No. 2 in her Affidavit (“X-2”) and having regards to the judicial pronouncements in the case of *Gian Singh v. State of Punjab*¹, *Narinder Singh & ors v. State of Madhya Pradesh*²,

¹(2012) 10 SCC 303

² 2025 SCC Online SC 466

Parbatbhai Aahir Alias Parbatbhai Bhimsinbhai Karmur and Others
Vs. State of Gujarat and Anr.³ and Sandeep Singh Thakur Vs. State of
Madhya Pradesh & Anr.⁴, there is no impediment if this Petition is
allowed.

8. This Petition is therefore allowed in terms of prayer clauses
(b) and (c). Consequently, the FIR No. 0106 of 2023 registered with
Vartak Nagar Police Station and the Charge Sheet bearing No,
RCC/3850/2023 pending before the 4th Jt. Civil Judge, J.D. Judicial
Magistrate of First Class at Thane are quashed.

9. No orders as to costs.

(ASHWIN D. BHOBE, J.)

3(2017) 9 SCC 641
42025 SCC OnLine SC 2927.