

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.74 OF 2026

Mohammed Awais Mohammed : Applicant/
Salim Sansari Accused No.5
Versus
The State of Maharashtra and anr. : Respondents.

Mr. Abdullah Katlariwala Advocate for the Applicant.
Ms. Pallavi N Dabholkar, APP for the Respondent/State.
Mr Dipak Bhalerao h/f Mukesh Dongarge, Advocate for the
Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 11 FEBRUARY 2026

PC:-

1. Heard Mr. Abdullah Katlariwala, Advocate for the Applicant, Ms. Pallavi Dabholkar, APP for the Respondent/State and Mr. Mukesh Dongarge, Advocate for Respondent No.2.

2. This Application under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is preferred by the Applicant for quashing the FIR bearing No.32/2022 dated 16 February 2022, registered with Nagpada Police Station for the offence punishable under Section 498A, 323, 504, 506 r/w Section 34 of the Indian Penal Code, Section 4 of the Muslim Women

(Protection of Rights on Marriage) Act, 2019 and Section 67(A) of the Information and Technology Act, 2000 and the chargesheet bearing Case No.92/W/2023.

3. Applicant is present in the Court and is identified by his Advocate Mr. Abdullah Katlariwala. He tenders the Photostat copy of the Identity Card of the Applicant, which is taken on record and marked as “X” for identification.

4. Respondent No.2 is present in the Court and is identified by her Advocate Mr. Mukesh Dongarge. He tenders the Photostat copy of Identity Card of Respondent No.2, which is taken on record and marked as “X-1” for identification.

5. Advocate Mr. Abdullah Katlariwala and Mr. Mukesh Dongarge submit that the Applicant (husband) and the Respondent No.2 (wife) have amicably resolved the matrimonial dispute and have decided to separate by obtaining a divorce by mutual consent. They submit that in view of the settlement, Respondent No.2 has given her no objection for quashing of the criminal proceedings.

6. Mr. Mukesh Dongarge, learned Advocate for the Respondent No.2, states that the Affidavit dated 11 February 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.

7. 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 reiterates her no objection for quashing of the criminal proceedings.

8. Ms. Pallavi Dabholkar, learned APP for the Respondent/State submits that the matrimonial dispute between the Applicant and the Respondent No.2 being settled and the statements made by Respondent No. 2 in the Affidavit (X-2), no purpose would be served in continuing with the criminal proceedings, as such the same can be quashed. She however insists for imposition of costs.

9. Mr. Abdullah Katlariwala and Mr.Mukesh Dongarge, on instructions of the Applicant and Respondent No.2, who are present in the court, submit that the Applicant and Respondent No.2 would deposit appropriate amount.

10. Considering the aforesaid circumstances, the nature of dispute, the matter being settled between the Applicants and the Respondent No.2, the statement of Respondent No. 2 in the Affidavit (X-2) and 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 Application.

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

11. In view of the above, Criminal Application No.74 of 2026 is allowed in terms of prayer clauses (a) and (b), subject to payment of costs of Rs.50,000/-. Consequently, the impugned FIR bearing No.32 of 2022 dated 16 February 2022 registered with Nagpada Police Station and the Chargesheet bearing Case No.92/PW/2023, pending before the 69th Judicial Magistrates Court, Mazgaon, Mumbai, are quashed.

12. The Applicant and the Respondent No.2 shall deposit the costs of Rs.25,000/- each in the below mentioned Accounts within a period of two weeks from today and file in the Registry the compliance affidavit along with the proof of deposit on or before 10 March 2026. The Applicant shall deposit the amount of Rs.25000/- in:-

Deepstambh Foundation, Delhi
Bank Name : ICICI Bank
Account Name : Deepstambh Foundation Delhi
Account Number : 697401700986
Account Type : Savings
IFSC Code : ICIC0006974
MICR Code : 425229003

and the Respondent No.2 shall deposit the amount of Rs.25000/- in

Central Police Welfare Fund
Account No: 914010029005759
Bank : Axis Bank Limited
Branch : Worli, Mumbai (M.H.), Mumbai - 400 025
IFSC Code: UTIB0000060

13. This Criminal Application is allowed in the above-said terms.

(ASHWIN D. BHOBE, J.)