

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

CRIMINAL APPLICATION NO. 144 OF 2026

Sandesh Sanjay Mahtre And Ors.

...Applicants

Versus

The State of Maharashtra And Anr.

...Respondents

Mr. Aman Kothari a/w Mr. Sail Khatavkar & Mr. Suresh Thakore, learned Advocates for the Applicants.

Applicant Nos. 1 to 3 are present in the Court.

Mr. Sukanta A. Karmakar, learned A.P.P. for the State/Respondent.

Mr. Gaurav Kalekar, learned Advocate for Respondent No. 2.

Respondent No. 2 is present in the Court.

API Mr. S. D. Palve attached to Manpada Police Station is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 3rd FEBRUARY 2026.

P.C. :

1. Heard Mr. Aman Kothari, learned Advocate for the Applicants, Mr. Sukanta Karmakar, learned A.P.P. for the State/Respondent and Mr. Gaurav Kalekar, learned Advocate for Respondent No. 2.

2. By the present Criminal Application filed under Section 482 of the Code of Criminal Procedure, 1973, the Applicants are seeking for quashing of the First Information Report bearing No. 925 of 2022 dated 02.12.2022 registered with Manpada Police Station, District-Thane for the offence punishable under Sections 498(A), 406, 323, 504 & 506 read with 34 of the Indian Penal

Code, 1860 and the charge-sheet bearing Regular Criminal Case No. 32 of 2023 pending before the Judicial Magistrate First Class, III, Kalyan, arising out of the said FIR.

3. Applicants are present in the Court along with their Advocate Mr. Aman Kothari. They are identified by Mr. Aman Kothari, learned Advocate appearing for them. Mr. Aman Kothari tenders the photo identity proofs (Aadhar Cards) of the Applicants, which are taken on record and marked as “**X Colly.**” for identification. Respondent No. 2 is present in the Court along with her Advocate Mr. Gaurav Kalekar. Mr. Gaurav Kalekar tenders the photo identity proof (Aadhar Card) of Respondent No. 2, which is taken on record and marked as “**X-1**” for identification.

4. Mr. Aman Kothari and Mr. Gaurav Kalekar jointly submit that the dispute being amicably resolved between the Applicants and Respondent No. 2, no purpose would be served in continuing the criminal proceedings and the same be quashed.

5. Mr. Gaurav Kalekar, learned Advocate for Respondent No. 2 on instructions from Respondent No. 2 states that Respondent No. 2 does not intend to pursue/prosecute the criminal proceedings filed at her instance and therefore, she has given No Objection for quashing of the criminal proceedings. Mr. Gaurav Kalekar tenders the Affidavit dated 03.02.2026 affirmed by Respondent No. 2 before the Registry of this Court. Same is taken on record and marked as “**X-2**” for identification. Respondent No. 2 states that the Affidavit (X-2) has been filed by her out of her own free will and without any pressure, force 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 impugned FIR and the subsequent criminal proceedings.

6. Applicants, who are present before the Court state that the matrimonial dispute with Respondent No. 2 is resolved and Applicant No. 1 and Respondent No. 2 have filed divorce proceedings bearing Marriage Petition No. 101 of 2026, which are pending before the Trial Court at Kalyan.

7. Mr. Sukanta Karmakar, learned A.P.P. for the State/Respondent states that no purpose would be served by continuing with the criminal proceedings in view of the statement made by Respondent No. 2 in the Affidavit dated 03.02.2026 (X-2). He therefore submits that the impugned FIR and the criminal proceedings can be quashed. He however insists for imposition of cost on the parties.

8. Mr. Aman Kothari and Mr. Gaurav Kalekar on instructions from their respective parties, who are present in the Court, state that appropriate amount will be paid as costs.

9. Considering the facts as placed before me, the nature of dispute, the settlement arrived between the parties, the statements made on oath by Respondent No. 2 (Affidavit at X-2) and guided by the decision of the Hon'ble Supreme Court in the cases of *Gian Singh v/s. The State of Punjab and Another*¹, *Narinder Singh and Others v/s. State of Punjab and Another*² and *Parbatbhai Aahir*

1. (2012)10 Supreme Court Cases 303.

2. (2014)6 Supreme Court Cases 466.

*Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.*³, there is no impediment in allowing this Criminal Application.

10. Criminal Application is therefore allowed in terms of prayer clause (a) subject to payment of cost of Rs. 25,000/- as condition precedent. Consequently, First Information Report No. 925 of 2022 dated 02.12.2022 registered with Manpada Police Station, District-Thane for the offence punishable under Sections 498(A), 406, 323, 504 & 506 read with 34 of the Indian Penal Code, 1860 and the subsequent charge-sheet bearing Regular Criminal Case No. 32 of 2023 pending before the Judicial Magistrate First Class, III, Kalyan, arising out of the said FIR, are quashed. Criminal proceedings against the Applicants arising out of the said FIR and charge-sheet are closed.

11. Applicants and Respondent No. 2 shall jointly deposit cost of Rs. 25,000/- jointly in the below mentioned account within a period of 2 weeks from today and furnish proof of deposit before the Registry of this Court by filing an Affidavit of compliance on or before 04.03.2026 :-

The High Court Employees Medical Welfare Fund at Mumbai
Account No.: 000120110001337
Bank : Bank of India
Branch : Mumbai Main
IFSC Code : BKID0000001

³ (2017) 9 SCC 641.

12. Criminal Application No. 144 of 2026 is disposed of in the above said terms.

[ASHWIN D. BHOBE, J.]

GITALAXMI
KRISHNA
KOTAWADEKAR

Digitally signed by
GITALAXMI KRISHNA
KOTAWADEKAR
Date: 2026.02.13
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