

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 237 OF 2026

Sohail Vasi Shaikh And Anr.

...Applicants

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Abdul Wahab Shaikh, for the Applicants.

Applicant Nos. 1 and 2 are present in Court, Applicant Nos. 3 to 7 are present through VC.

Mr. Vikas Shinde, for the Respondent No. 2

Respondent No. 2, is present in Court.

Mr. K. C. Shinde, APP for Respondent - State.

API Vijay Waghmare, is present.

CORAM : ASHWIN D. BHOBE, J.

DATE : 12th FEBRUARY, 2026.

P.C. :

1. Heard Mr. Abdul Wahab Shaikh, learned Advocate for the Applicants. Mr. Kiran Shinde, learned APP for the Respondent - State and Mr. Vikas Shinde, learned Advocate for Respondent No.2.

2. This Application under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is preferred by the Applicants for quashing the FIR bearing No. 334 of 2023 registered with Nayanagar Police Station for the offences punishable under Sections 498A, 354, 323, 504, 506 read with 34 of Indian Penal Code, 1860 of the Indian

Penal Code and chargesheet bearing No. 61 of 2024 registered as Regular Criminal Case No. 1035 of 2023 pending before the Judicial Magistrate First Class, Mira Road, Thane.

3. Applicant Nos. 1 and 2 present in Court and Applicant Nos. 3 to 7 appearing through VC are identified by their Advocate Mr. Abdul Wahab Shaikh. He tenders the Photostat copies of the Identity Cards of 7 Applicants, which are taken on record and marked as “**X-Colly**” for identification.

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

5. Mr. Abdul Wahab Shaikh, and Mr. Vikas Shinde, submit that the Applicants and the Respondent No.2 have amicably resolved the matrimonial dispute. They submit that the Applicant No. 1 (Husband) and the Respondent No.2 (Wife) have decided to part ways and that they would be applying for divorce in terms of their personal law. They submit that Respondent No.2 has given no

objection for quashing of the criminal proceedings against the Applicants.

6. Mr. Vikas Shinde, states that the Affidavit dated 12th February, 2026 affirmed by Respondent No.2 before the Notary, Sheena Chetan Patil, Mumbai, 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. Mr. K. Shinde, learned APP for the Respondent-State submits that Respondent No.2 having filed her Affidavit (X-2) and given no objection for quashing the criminal proceedings, no purpose would be served in continuing with the criminal proceedings. He therefore states that the criminal proceedings be quashed subject to imposition of costs.

9. Mr. Abdul Wahab Shaikh and Mr. Vikas Shinde, on instructions, submit that the Applicants and Respondent No.2 shall deposit appropriate costs.

10. Considering the aforesaid circumstances, the nature of dispute, the matter being settled between the Petitioner and the Respondent No.2, the Respondent No.2 having given her no objection 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.

11. In view of the above, Criminal Application No. 237 of 2026 is allowed in terms of prayer clause (a) subject to payment of costs of Rs. 60,000/- as condition precedent. Consequently, the impugned FIR bearing No. 334 of 2023 dated 26th June, 2023 registered with the Nayanagar Police Station and the Chargesheet bearing No. 61 of 2024 registered as Regular Criminal Case No. 1035 of 2023 pending before Judicial Magistrate First Class, Mira

1 2012 10 SCC 303

2 2014 6 SCC 466

3 2017 9 SCC 641

Road, Thane are quashed.

12. The Applicants shall deposit cost of Rs. 35000/- in the below mentioned Account of Central Police Welfare Fund within a period of two weeks from today.

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

13. The Respondent No. 2 shall deposit cost of Rs. 25000/- in the below mentioned Account of the High Court Employees Medical Welfare Fund, Mumbai, within a period of two weeks from today.

The High Court Employees Medical Welfare Fund at Mumbai	
Account No.:	000120110001337

Bank :	Bank of India
Branch :	Mumbai Main
IFSC Code :	BKID0000001

14. The compliance affidavit along with the proof of deposit be filed in the Registry of this Court on or before 10th March 2026.

(ASHWIN D. BHOBE, J.)