

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

CRIMINAL APPLICATION NO. 285 OF 2026

Mr. Sanjay Kumar Mahendra Yadav
And Ors.

...Applicants

Versus

The State of Maharashtra And Anr.

...Respondents

Mr. Ashutosh Shukla, learned Advocate for the Applicants.
Applicant Nos. 1 to 3 are appearing through VC.

Mr. Tanveer G. Khan, learned A.P.P. for the State/Respondent.
Mr. Manoj R. Yadav, learned Advocate for Respondent No. 2.
Respondent No. 2 is present in the Court.

**CORAM : ASHWIN D. BHOBE, J.
DATE : 17th FEBRUARY 2026.**

P.C. :

1. Heard Mr. Ashutosh Shukla, learned Advocate for the Applicants, Mr. Tanveer Khan, learned A.P.P. for the State/Respondent and Mr. Manoj Yadav, learned Advocate for Respondent No. 2.

2. This Criminal Application is preferred by the Applicants under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing of the First Information Report bearing No. 363 of 2023 dated 24.07.2023 registered with Shivaji Nagar Police Station, District-Thane City for the offences punishable under Sections 498(A), 406 & 506 read with Section 34 of the Indian Penal Code, 1860 and the charge-sheet bearing Regular Criminal

Case No. 5475 of 2025 pending before the learned Judicial Magistrate First Class at Chikhloli Ambernath, arising out of the said FIR.

3. Applicant Nos. 1 to 3 appear through Video Conference, are identified by Advocate Mr. Ashutosh Shukla. He tenders photostat copies of Aadhar Cards of Applicant Nos. 1 to 3 as photo identity proof. The same are taken on record and marked as “**X Colly.**” for identification.

4. Respondent No. 2, who is present in the Court, is identified by her Advocate Mr. Manoj Yadav. Mr. Manoj Yadav tenders photostat copy of Aadhar Card of Respondent No. 2 as photo identity proof, which is taken on record and marked as “**X-1**” for identification.

5. Mr. Manoj Yadav tenders an Affidavit dated 17.02.2026, which is affirmed by Respondent No. 2 before the Notary Advocate R. R. Sharma, Mira Road (East), Thane. Same is marked as “**X-2**” for identification. Respondent No. 2, who is present in the Court, states that she has filed the said Affidavit dated 17.02.2026 (X-2) out of her own free will and without any pressure, force or coercion from any person. She states that the contents of Affidavit (X-2) are as per her say. She reiterates that the dispute between her and the Applicants is amicably resolved, as such she gives No Objection for quashing of the criminal proceedings.

6. Mr. Ashutosh Shukla and Mr. Manoj Yadav relying on the Affidavit (X-2) filed by Respondent No. 2 submit that the Applicants and Respondent No. 2 have amicably resolved their

dispute. They submit that the marriage of Applicant No. 1 (Husband) and Respondent No. 2 (Wife) is dissolved by a decree of divorce by mutual consent, passed by the Family Court at Durg, Chhattisgarh on 28.11.2024 in Civil Suit No. 16/2022 and Applicant No. 1 and Respondent No. 2 have parted ways. They submit that the Consent Terms between the parties were executed on 21.08.2025 and the said Consent Terms are placed on record at Exhibit-C, Page Nos. 81 to 84 of the paper-book. Same are marked as “X-3” for identification. They submit that Applicants and Respondent No. 2 have resolved the entire controversy/dispute as recorded in the Consent Terms (X-3). They submit that Respondent No. 2 has agreed to withdraw all criminal proceedings filed by her against the Applicants. They therefore request that the criminal proceedings may not be continued and the same be quashed.

7. Mr. Tanveer Khan, learned A.P.P. for the State/Respondent submits that though the police machinery was put in action on the basis of the complaint filed by Respondent No. 2, however Applicant No. 1 and Respondent No. 2 having now resolved their matrimonial dispute, they being separated by decree of divorce and Respondent No. 2 giving her No Objection for quashing of the criminal proceedings read with her statements in the Affidavit (X-2), no purpose would be served by continuing with the criminal proceedings. He therefore submits that the impugned FIR and the criminal proceedings arising out of the impugned FIR can be quashed. He however insists for imposition of exemplary costs on the parties.

8. Mr. Ashutosh Shukla, learned Advocate for the Applicants

and Mr. Manoj Yadav, learned Advocate for Respondent No. 2, on instructions from the Applicants and Respondent No. 2, state that appropriate cost would be paid.

9. Considering the facts as placed before me, the nature of dispute, the matter being amicably settled between the Applicants and Respondent No. 2, the statements made on oath by Respondent No. 2 (Affidavit at X-2), the Consent Terms dated 21.08.2025 (X-3) and having regards to the pronouncements 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 Alias Parbatbhai Bhimsinbhai Karmur and Others Vs. State of Gujarat and Anr.*³, there is no impediment in allowing this Criminal Application.

10. In view of the above, Criminal Application is allowed in terms of prayer clauses (a) & (b) subject to payment of cost of Rs. 25,000/- by the Applicants and Rs. 25,000/- by Respondent No. 2 as condition precedent. Consequently, the impugned FIR bearing No. 363 of 2023 dated 24.07.2023 registered with Shivaji Nagar Police Station, District-Thane City for the offences punishable under Sections 498(A), 406 & 506 read with Section 34 of the Indian Penal Code, 1860 and the subsequent charge-sheet bearing Regular Criminal Case No. 5475 of 2025 pending before the learned Judicial Magistrate First Class at Chikhholi Ambernath, arising out of the impugned FIR, are quashed. Criminal proceedings against the Applicants arising out of the impugned FIR

1. (2012)10 Supreme Court Cases 303.

2. (2014)6 Supreme Court Cases 466.

3. (2017) 9 SCC 641.

and the charge-sheet are closed.

11. Applicants shall deposit cost of Rs. 25,000/- in the following 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 16.03.2026 :-

Bank Name : Axis Bank Limited
Branch Name : Worli, Mumbai (M.H.), Mumbai-400 025
Account Name : **Central Police Welfare Fund, Director General MS, Mumbai**
Account Number : 914010029005759
IFSC Code : UTIB0000060

12. Respondent No. 2 shall deposit cost of Rs. 25,000/- in the following 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 16.03.2026 :-

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

13. Criminal Application No. 285 of 2026 is disposed of in the above said terms.

[ASHWIN D. BHOBE, J.]