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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.303 OF 2026

Rajat Rajendra Mudgal : Applicant
Versus
The State of Maharashtra and anr. : Respondents.

Mr. Amit Ghag a/w Mr. Vishal Maheshwari and Adv. Kamini Pansare i/by VM Legal for the Applicant.

Mr. Tanveer Khan, learned APP for the Respondent/State.

Mr. Prateek Pai i/by Miss Nerissa Almeida for the Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 10 MARCH 2026

PC:-

1. Heard Mr.Amit Ghag, learned Advocate for the Applicant, Mr. Tanveer Khan, learned APP for the Respondent/State and Mr.Prateek Pai, learned 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.290 of 2020 registered with Dadar Police Station for the offences punishable under Sections 498A, 323 and 504 of the Indian Penal Code (Impugned FIR).

3. The Applicant is present in the Court and is identified by his advocate Mr. Amit Ghag. 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 appears through V.C. and is identified by her Advocate Mr. Prateek Pai. 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. Mr.Prateek Pai states that the Affidavit dated 10 March 2026 affirmed by Respondent No.2 before the Notary A R Surve, is placed on record, the same is marked as “X-2” for identification.
6. 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.
7. Mr. Amit Ghag and Mr. Prateek Pai submit that the matrimonial discord between the Applicant (husband) and Respondent No.2 (wife) is amicably resolved. They submit that the Applicant and the Respondent No.2 have decided to separate and part ways and have also entered into a settlement agreement dated 04 December 2025. They submit that the Applicant and Respondent No.2 have filed proceedings before the Family Court (South) Saket District

Court, New Delhi for divorce by mutual consent. They submit that Respondent No.2 has given no objection for quashing of the criminal proceedings against the Applicant.

8. Mr. Tanveer Khan, learned APP for the Respondent/State submits that the matrimonial dispute between the Applicant and the Respondent No.2 being resolved, they having entered into the settlement agreement dated 04 December 2025 as also filed proceedings before the Family Court, Saket District Court, New Delhi for divorce by mutual consent, the statements made by the Respondent No.2 in her Affidavit (X-2), giving her no objection for quashing the criminal proceedings, he has no objection for quashing the criminal proceedings, however, he insists for imposition of costs.

9. Mr. Amit Ghag and Mr. Prateek Pai on instructions, submit that the Applicant and Respondent No.2 shall deposit appropriate costs.

10. Considering the above said facts and the submissions made by the learned Advocates for the parties, the dispute being in the nature of a matrimonial disharmony between the Applicant (husband) and the Respondent No.2 (wife), the statements made by the Respondent No.2 in her Affidavit (X-2), no useful purpose will be served by allowing the criminal prosecution to continue. 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, *Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat*³, there is no impediment in allowing this Criminal Application.

11. In view of the above, Criminal Application No.303 of 2026 is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25,000/- by the Applicant and Rs.25,000/- by the Respondent No.2. Payment of costs is a condition precedent. Consequently, the impugned FIR is quashed.

12. The Petitioners and the Respondent No.2 shall deposit their respective the costs in the below mentioned Account within a period of two weeks from today and file in the Registry of this Court the compliance affidavit along with the proof of deposit on or before 30 March 2026.

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

13. The Criminal Application No. 303 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641