

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

CRIMINAL APPLICATION NO. 307 OF 2026

Krishna Vijayan T

...Applicant

Versus

The State of Maharashtra And Anr.

...Respondents

Mr. Avinash Fatangare i/b Fatangare & Associates, learned Advocate for the Applicant.

Applicant is appearing through VC.

Ms. Shilpa G. Talhar, learned A.P.P. for the State/Respondent.

Ms. Archana S. Shelar, learned Advocate for Respondent No. 2.

Respondent No. 2 is present in the Court.

PSI Mr. Yunus Shaikh attached to Rabale Police Station, District-Navi Mumbai is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 18th FEBRUARY 2026.

P.C. :

1. Heard Mr. Avinash Fatangare, learned Advocate for the Applicant, Ms. Shilpa Talhar, learned A.P.P. for the State/Respondent and Ms. Archana Shelar, learned Advocate for Respondent No. 2.

2. This Criminal Application is preferred by the Applicant under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for quashing of the First Information Report bearing C.R. No. 600 of 2025 dated 10.08.2025 registered with Rabale Police Station, District-Navi Mumbai for the offence punishable under Section 75 of the Juvenile Justice (Care and Protection) Act, 2015 and the

charge-sheet bearing Regular Criminal Case No. 2349 of 2025 pending before the learned Judicial Magistrate First Class at Belapur, arising out of the said FIR.

3. Applicant appearing through Video Conference, is identified by her Advocate Mr. Avinash Fatangare. Mr. Avinash Fatangare tenders photostat copy of Aadhar Card of the Applicant as photo identity proof. The same is taken on record and marked as “X” for identification.

4. Respondent No. 2, who is present in the Court, is identified by his Advocate Ms. Archana Shelar. Ms. Archana Shelar 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. Ms. Archana Shelar tenders an Affidavit dated 18.02.2026, affirmed by Respondent No. 2 before the Notary Advocate Mr. Mahendra V. Shingade, Nerul, Navi Mumbai. Same is marked as “X-2” for identification. Respondent No. 2, who is present in the Court, states that he has filed the said Affidavit dated 18.02.2026 (X-2) out of his own free will and without any pressure, force or coercion from any person. He states that the contents of Affidavit (X-2) are as per his say. He reiterates that the dispute between him and the Applicant is amicably resolved, as such he gives No Objection for quashing of the criminal proceedings.

6. Mr. Avinash Fatangare and Ms. Archana Shelar submit that the impugned FIR and the consequent charge-sheet arising out of the impugned FIR, occasioned due to a matrimonial discord

between the Applicant (Wife) and Respondent No. 2 (Husband). They submit that the child (minor girl) was the casualty of the discord between the Applicant and Respondent No. 2. They submit that subsequently wisdom dawned on the Applicant and Respondent No. 2. They relying on the Affidavit (X-2) filed by Respondent No. 2 submit that the Applicant and Respondent No. 2 have amicably resolved their matrimonial dispute before the Family Court, Irinjalakuda, Kerala. They submit that the Mediation Agreement dated 20.11.2025 (Exhibit-B at Page Nos. 25 to 29 of the paper-book along with the translation at Page Nos. 30 to 34) is filed in the Petitions bearing O.P. Nos. 1428/2024 (filed by the Applicant against Respondent No. 2) & 1575/2024 (filed by Respondent No. 2 against the Applicant) and pursuant to the said Mediation Agreement dated 20.11.2025, Petition bearing O.P. No. 1645/2025 (Exhibit-C at Page Nos. 35 to 40 of the paper-book along with the translation at Page Nos. 41 to 46) was filed by the Applicant before the Family Court, Irinjalakuda, seeking Divorce by Mutual Consent under Section 13B of the Hindu Marriage Act, 1955. They submit that the said Petition is decreed by the Family Court, thereby granting approval of the judicial separation of the Applicant & Respondent No. 2. They submit that Applicant and Respondent No. 2 have parted ways. They submit that in terms of Mediation Agreement dated 20.11.2025, custody of the minor child is with Respondent No. 2. They submit that Respondent No. 2 has agreed to withdraw all criminal proceedings filed by him against the Applicant. They therefore request that the criminal proceedings may not be continued and the same be quashed.

7. Ms. Shilpa Talhar, learned A.P.P. for the State/Respondent

submits that the Applicant and Respondent No. 2 converted a matrimonial dispute into a criminal proceedings and used the police machinery to settle the same. She however submits that the Applicant and Respondent No. 2 having now resolved their matrimonial dispute as also the family matters and Respondent No. 2 giving his No Objection for quashing of the criminal proceedings as referred to in the Affidavit (X-2), no purpose would be served by continuing with the criminal proceedings filed at the instance of Respondent No. 2. She therefore submits that the impugned FIR and the criminal proceedings arising out of the impugned FIR be quashed. She however insists for imposition of exemplary costs on the parties.

8. Mr. Avinash Fatangare, learned Advocate for the Applicant on instructions and Ms. Archana Shelar, learned Advocate for Respondent No. 2 on instructions from Respondent No. 2, who is present in the Court, 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 Applicant and Respondent No. 2, the statements made on oath by Respondent No. 2 (Affidavit at X-2), the Memorandum Agreement dated 20.11.2025 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,

1. (2012)10 Supreme Court Cases 303.

2. (2014)6 Supreme Court Cases 466.

3. (2017) 9 SCC 641.

there is no impediment in allowing this Criminal Application.

10. In view of the above, Criminal Application is allowed in terms of prayer clause (a) subject to payment of cost of Rs. 50,000/- by the Applicant and Rs. 50,000/- by Respondent No. 2 as condition precedent. Consequently, the impugned FIR bearing C.R. No. 600 of 2025 dated 10.08.2025 registered with Rabale Police Station, District-Navi Mumbai for the offence punishable under Section 75 of the Juvenile Justice (Care and Protection) Act, 2015 and the subsequent charge-sheet bearing Regular Criminal Case No. 2349 of 2025 pending before the learned Judicial Magistrate First Class at Belapur, arising out of the impugned FIR, are quashed. Criminal proceedings against the Applicant arising out of the impugned FIR and the charge-sheet are closed.

11. Applicant shall deposit cost of Rs. 50,000/- 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. 50,000/- 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. 307 of 2026 is disposed of in the above said terms.

[ASHWIN D. BHOBE, J.]

GITALAXMI
KRISHNA
KOTAWADEKAR

Digitally signed by
GITALAXMI KRISHNA
KOTAWADEKAR
Date: 2026.02.25
21:03:20 +0530