

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 337 OF 2026

Rohit Ramlubaya Diwedi@ Rohit Diwedi And Ors. ...Applicants
V/S.

The State Of Maharashtra And Anr. ... Respondents

Mr. Inder Kohli a/w Mr. Mukesh Yadav, learned Advocate for the Applicants.

Mr. Rohit Diwedi, Mr. Jeevan Diwedi, Mr. Ram Labhaya, Applicants are present in Court.

Mr. Priti Trivedi, learned Advocate for the Respondent.

Ms. Ritu Diwedi, Respondent No. 2, is present.

Ms. Shilpa Talhar, learned APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 25th FEBRUARY, 2026.

P.C. :

1. Heard Mr. Inder Kohli, learned Advocate for the Applicants, Ms. Shilpa Talhar, learned APP for the Respondent-State and Ms. Priti Trivedi, learned Advocate for Respondent No. 2.

2. This Application under Section 528 of the Bharatiya Nyaya Sanhita, 2023 is preferred by the Applicant for quashing the FIR bearing No. 0363 of 2025, dated 18.08.2025, (impugned FIR)

registered with Kashimira Police Station, for offences punishable under Section 85, 3(5), 115(2), 316, 351(2), and 352 of the Bharatiya Nyaya Sanhita, 2023.

3. Applicants are present in the Court and are identified by their Advocate Mr. Inder Kohli. He tenders the Photostat copies of the Identity Cards of (3 nos.) Applicants, which are taken on record and marked as **“X-Colly”** for identification.

4. Respondent No. 2 is present in the Court and is identified by her Advocate Ms. Priti Trivedi. She tenders the Photostat copy of Identity Card of Respondent No. 2 which is taken on record and marked as **“X-1”** for identification.

5. Ms. Priti Trivedi, states that the Affidavit dated 16th January, 2026, affirmed by Respondent No. 2 before the Notary Priti Amit Trivedi, is placed on record. 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. Inder Kohli, and Ms. Priti Trivedi, submit that the matrimonial dispute between the Applicants and Respondent No. 2 is amicably resolved. They submit that the Applicant No. 1 (Husband) and the Respondent No. 2 (Wife) have decided to part ways and they have also exercised their right to seek judicial separation before the Family Court having jurisdiction. They submit that in view of the amicable settlement between the parties, the Respondent No. 2 has no objection for quashing of the impugned FIR.

8. Ms. Shilpa Talhar, learned APP for the State, submits that in view of the settlement between the parties pertaining to their matrimonial dispute and the statements made by Respondent No. 2, in Affidavit (X-2), she has no objection for quashing of the criminal proceedings. She submits that the Applicant and the Respondent No. 2 have resorted to settling a matrimonial dispute by use of police machinery, therefore, she insists for imposition of

cost.

9. Mr. Inder Kohli and Ms. Priti Trivedi, on instructions from the Applicants and the Respondent No. 2, present in Court submit that they shall deposit appropriate cost.

10. Considering the aforesaid circumstances, the nature of dispute arising from a matrimonial disharmony, the matter being settled between the Applicants and the Respondent No. 2 and the statement of Respondent No. 2 in her Affidavit (X-2), no useful purpose is likely to 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 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 is allowed in terms of prayer clause (a) subject to payment of cost of Rs. 50,000/- as condition precedent. Consequently, the impugned FIR

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

3 (2017) 9 SCC 641.

bearing No. 0363 of 2025 registered at Kashimira Police Station, is quashed.

12. The Applicants shall jointly deposit the costs of Rs. 25,000/- 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 deposit a cost of Rs. 25,000/- in the below mentioned Account of High Court Employees Medical Welfare Fund at 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 18th March, 2026.

15. Criminal Application No. 337 of 2026 is allowed in above-said terms.

(ASHWIN D. BHOBE, J.)

Digitally
signed by
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KRISHNA
RODGE
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