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

CRIMINAL APPLICATION NO.350 OF 2026

Shri Nilesh Girdharilal Khatri & ors. : Applicants.

Versus.

The State of Maharashtra and anr. : Respondents.

Mr. Arjun Jeswani for the Applicants.

Mr. Sukanta Karmakar, APP for the Respondent/State.

Ms. Minal Chandnani a/w Mr. Rajesh Ranglani for Respondent
No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 06 MAY 2026

PC:-

1. Heard Mr.Arjun Jeswani, learned Advocate for the Applicants, Mr. Sukatna Karmakar, learned APP for the Respondent No.1-State and Ms. Minal Chandnani, learned Advocate for Respondent No.2.

2. This Application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is preferred by the Applicants for quashing the FIR bearing No. 230 of 2025 dated 07 March 2025, registered with the Ulhasnagar Police Station (impugned FIR) for offences punishable under Sections 123, 85, 115(2), 352, 351(2) and 3(5) of the

Bharatiya Nyaya Sanhita, 2023, and the charge-sheet bearing RCC No. 2000 of 2025, pending before the Judicial Magistrate First Class, Ulhasnagar, Dist. Thane.

3. Mr. Arjun Jeswani, learned Advocate for the Applicants and Ms. Minal Chandnani, learned Advocate for Respondent No.2, submit that the subject matter of the impugned FIR is a matrimonial dispute between Applicant No.1 (husband) and Respondent No.2 (wife). They submit that the matrimonial dispute between the Applicants and Respondent No.2 has been amicably resolved. They submit that Applicant No.1 and Respondent No.2 have amicably resolved their matrimonial discord and have initiated proceedings for divorce by mutual consent under Section 13(1)(b) of the Hindu Marriage Act, 1955. They submit that the said divorce proceedings are registered as Marriage Petition No.1868 of 2025 and are pending before the Civil Judge Senior Division, Kalyan. They submit that in view of the settlement, Respondent No.2 does not intend to continue with the criminal proceedings and has given her no objection in the Affidavit dated 01 April 2026. They, therefore, request the quashing of the impugned FIR and the charge-sheet arising therefrom.

4. Applicant No. 2 appears through V.C. Applicant Nos. 1, 3, 4 and 5 are present in Court. Applicants are identified by their Advocate Mr. Arjun Jeswani. He tenders photostat copies of the Applicants' Identity Cards, which are taken on record and marked as "**X-Colly**" for identification.

5. Respondent No.2 is present in the Court and is identified by her Advocate Ms Minal Chandnani. He tenders the Photostat copy of Respondent No.2's Identity Card, which is taken on record and marked as "X-1" for identification.

6. Ms. Minal Chandnani, learned Advocate for the Respondent No.2, states that the Affidavit dated 01 April 2026 affirmed by Respondent No.2 before the Notary S. N. Dhanage, Fort Mumbai, is placed on record, same is marked as "X-2" for identification.

7. Respondent No. 2 states that the said Affidavit (X-2) is filed 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 true to her knowledge. She states that she has amicably resolved the matrimonial dispute with the Applicants and has decided to separate from Applicant No.1. Accordingly, she and Applicant No.1 have filed Marriage Petition No.1868 of 2025 for divorce by mutual consent. She states that she wants to settle in life and accordingly, does not wish to continue with the criminal proceedings. She reiterates her no objection by referring to paragraph nos. 1 to 5 of her Affidavit (X-2), which are transcribed herein below in verbatim :-

"1. I say that I am the Original complainant in the present FIR bearing CR No. 230 of 2025 registered On 7th March, 2025 with Ulhasnagar Police Station, for offences punishable under section 123, 85, 115(2), 352, 351(2) and 3(5) of BNS, 2023 against the Applicants.

2. I say that the Applicants are my in-laws, due to

intervention of family members and well-wishers, the disputes between myself and the Applicants have been amicably settled.

3. I say that I and Applicant no.1 have mutually decided to dissolve our marriage and accordingly Marriage Petition No. 1868 of 2025 for Mutual Divorce before the Hon'ble Court of Civil Court, Senior Division, Kalyan has been filed.

4. I say that in view of the amicable settlement, arrived between the parties, I do not wish to proceed and pursue the present FIR and proceedings arising from therefrom.

5. I further say that I have no objection if the present FIR bearing C.R. No. 230 of 2025 registered with Ulhasnagar Police Station and all consequential proceedings are quashed and set aside by this Hon'ble Court. I further say that except Applicant No. 1, the other Applicants are senior members of the family and are of advanced age, and in view of the amicable settlement that has been arrived at between the parties, I respectfully state that no useful purpose would be served by continuing the present criminal proceedings against them. I therefore state that on humanitarian grounds also, I have no objection if this Hon'ble Court is pleased to quash and set aside the present FIR and all consequential proceedings against the Applicants."

8. Mr. Sukanta Karmakar, learned APP for the Respondent No. 1 -State, submits that the matrimonial dispute between the Applicants and Respondent No.2 being amicably settled, Respondent No.1-State does not object to the quashing of the impugned FIR and the charge-sheet arising therefrom. However, he submits that, since the matrimonial dispute, which was otherwise not required to be taken to the police station, was taken there, he insists on the imposition of costs on the Applicants as well as Respondent No.2.

9. Mr. Arjun Jeswani, learned Advocate for the Applicants, and Ms. Minal Chandnani, learned Advocate for the

Respondent No.2, on instructions, state that the appropriate costs would be paid.

10. Considering the facts mentioned hereinabove, the submissions of the learned Advocates for the parties, the matrimonial dispute between the parties being amicably settled, the statements made by Respondent No. 2 before this Court and in her Affidavit (X-2) and the no objection by Respondent No. 1 - State to the quashing of the impugned FIR and the proceedings arising therefrom, no useful purpose will be served by allowing the criminal prosecution to continue.

11. Having regard to the pronouncements of the Hon'ble Supreme Court in *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 Petition.

12. In view of the above, subject to each of the Applicants paying costs of Rs.25,000/- and the Respondent No.2 paying costs of Rs.25,000/- this Application is allowed in terms of prayer clause (b). Payment of costs is a condition precedent. Consequently, the impugned FIR and the Charge-sheet arising out of the impugned FIR are quashed.

13. Applicants and Respondent No. 2 shall deposit their respective costs in the Account mentioned below within four

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

weeks from today and file the compliance affidavit, along with proof of deposit, in the Registry of this Court on or before 10 June 2026.

a] Each of the Applicants shall deposit the amount of Rs.25,000/- and the Respondent No.2 shall deposit the amount of Rs.25,000/- in :-

**Bar Council of Maharashtra and Goa
Advocate Aid Fund**

Account No.10996711937

Bank Name: State Bank of India

Branch - Mumbai Main Branch

IFSC: SBIN0000300

14. The Criminal Application No.350 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)