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

**CRIMINAL APPLICATION NO.373 OF 2026**

Mr. Nelson Carlito Pereira and anr. : Applicants.  
Versus.  
The State of Maharashtra and anr. : Respondents.

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Ms. Kiran S Sharma a/w Advocates Pradeep S, Ronak Shah  
and Ansu Jaiswal for the Applicants.

Mrs. P P Bhosale, APP for the Respondent/State.

Ms. Radhika S Sharma a/w Advocates Jigar Shah and Asba  
Khatif for the Respondent No.2.

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**CORAM : ASHWIN D. BHOBE, J.**

**DATED : 25 March 2026**

**PC:-**

1. Heard Ms. Kiran Sharma, learned Advocate for the Applicants and Mrs. P P Bhosale, learned APP for the Respondent/State and Ms. Radhika S Sharma for the Respondent No.2.

2. This Application under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023, is preferred by the Applicants for quashing the FIR bearing No.468 of 2024 (impugned FIR) dated 08 November 2024 registered with the

Nayanagar Police Station, Mira Road (East), Thane and the charge-sheet arising out of the impugned FIR.

3. Advocate Ms. Kiran Sharma and Advocate Ms. Radhika Sharma submit that the subject matter of the impugned FIR is a matrimonial dispute between the Applicant No.1 (husband) and the Respondent No.2 (wife). They submit that the matrimonial dispute between the Applicant No.1 and the Respondent No.2 has been amicably settled. They submit that the Applicant No.1 and the Respondent No.2 have decided to part ways and have filed proceedings seeking divorce before the Civil Court, Thane, which are registered as MP No.41 of 2025. They submit that, in light of the settlement, the Respondent No.2 has given her no objection in Affidavit (X-2) for quashing the criminal proceedings. Therefore, they request that the impugned FIR and the charge-sheet arising from it be quashed.

4. Applicants are present in the Court and are identified by their Advocate, Ms. Kiran Sharma. She submits the 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 court and is identified by her advocate, Ms. Radhika Sharma. She submits a photocopy of Respondent No.2's Identity Card, which is taken on record and marked as "**X-1**" for identification.

6. Ms Radhika Sharma states that the Affidavit dated 05 February 2026 affirmed by Respondent No.2 before the Notary Brahmdev Dubey, Greater Mumbai is placed on record, the same is marked as “X-2” for identification.

7. Respondent No. 2 states that the Affidavit (X-2) has been filed voluntarily and without any pressure or coercion from anyone. She affirms that the contents of the Affidavit (X-2) reflect her statement. Respondent No. 2 also states that she is not interested in continuing with the criminal proceedings and wishes to conclude them. She reiterates her no-objection to the quashing of the impugned FIR and the criminal proceedings arising from it.

8. Ms. P P Bhosale, learned APP for the Respondent/State, submits that as the matrimonial dispute between Applicant No.1 and Respondent No.2 being amicably resolved and the statements made by the Respondent No.2 in the Affidavit (X-2) and today before this Court, she has no objection to quashing the impugned FIR and the criminal proceedings arising from it. She, however, insists on imposing costs on the parties for involving police machinery when it was unnecessary.

9. Ms. Kiran Sharma and Ms. Radhika Sharma, on instructions from the Applicants and Respondent No.2, state that the appropriate costs will be paid.

10. Considering the facts mentioned above, the submissions of the learned Advocates for the parties, the nature of the dispute being a matrimonial disharmony between Applicant No.1 and Respondent No.2 which has been amicably settled, they having applied for divorce before the Civil Court, Thane, and the statements made by Respondent No.2 in Affidavit (X-2) and today before this Court, no useful purpose will be served by continuing the criminal prosecution. Having regard to the pronouncements of the Hon'ble Supreme Court in *Gian Singh vs State of Punjab*<sup>1</sup>, *Narinder Singh and Ors vs State Of Punjab and Anr*<sup>2</sup> and *Parbatbhai Aahir @ Parbatbhai vs The State of Gujarat*<sup>3</sup>, there is no impediment in allowing this Application.

11. In view of the above, Criminal Application No.373 of 2026 is allowed in terms of prayer clauses (C) and (D), subject to payment of costs of Rs. 25,000/- by the Applicants and Rs. 25,000/- by the Respondent No.2. Payment of costs is a condition precedent. Consequently, the impugned FIR and the Chargesheet arising out of the impugned FIR are quashed.

12. The Applicants and Respondent No.2 shall deposit their respective costs into the accounts mentioned below within three weeks from today and submit the compliance affidavit along with proof of deposit to the Registry of this Court on or before 17 April 2026.

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<sup>1</sup> 2012 10 SCC 303

<sup>2</sup> 2014 6 SCC 466

<sup>3</sup> 2017 9 SCC 641

a] The Applicants shall deposit the amount of Rs.25,000/- in :-

Account Name : **Armed Forces Battle Casualties Welfare Fund**

Account Number : 90552010165915

Bank Name : Canara Bank

Branch : South Block, Defence Headquarters New Delhi-  
110011

IFSC Code : CNRB0019055

b] The Respondent No.2 shall deposit the amount of Rs.25,000/- in :-

**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.373 of 2026 is disposed of.

**(ASHWIN D. BHOBE, J.)**