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

CRIMINAL APPLICATION NO.544 OF 2026

Kewal Hitesh Abhani : Applicant
Versus
The State of Maharashtra & Anr. : Respondents.

Ms. Anjali Nimbkar a/w Mr. Shreyash R Mithare and Mr. Avinash Kori for the Applicant.
Mrs. Anuja Gotad, APP for the Respondent/State.
Mr. Aryan K Kotwal i/by Mr. Advait Tamhankar for the Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 01 APRIL 2026

PC:-

1. Heard Ms. Anjali Nimbkar learned Advocate for the Applicant, Mrs. Anuja Gotad learned APP for the Respondent/State and Mr. Aryan K Kotwal learned Advocate for the Respondent No.2.

2. Applicant, through this Application filed under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023, is before this Court seeking to quash the FIR bearing C.R. No. 683 of 2025 (Impugned FIR) registered with Bangur Nagar Police Station, Goregaon (West), Mumbai, for offences punishable

under Sections 69, 88, 351(2), and 123 of the BNS, as well as the Charge-sheet registered as Criminal Case No. 549/PW/2026 pending before the Judicial Magistrate First Class, 68th Court, Borivali, Mumbai.

3. Ms. Anjali Nimbkar, Advocate for the Applicant and Mr. Aryan Kotwal, Advocate for Respondent No. 2, submit that the subject matter of the impugned FIR resulted from a misunderstanding between the Applicant and Respondent No. 2. They submit that the Applicant and Respondent No. 2 have been in a romantic relationship since 2022. They submit that their relationship evolved into a consensual physical relationship. They submit that a misunderstanding caused Respondent No. 2 to file the complaint. They submit that the Applicant and Respondent No. 2 have now resolved their misunderstanding and remain friends. They submit that Respondent No. 2 has a 10-year-old minor daughter and she, along with her daughter, plans to settle permanently in Delhi. They submit that the Respondent No. 2 has no objection to quashing the impugned FIR and the charge-sheet related to it. Therefore, they request that the impugned FIR and the charge-sheet arising from it be quashed.

4. The Applicant is present in court and is identified by his Advocate Ms. Anjali Nimbkar. She tenders a photocopy of the Applicant's identity card, which is taken on record and marked with "X" for identification.

5. Respondent No.2 is present in the Court and is identified by her Advocate Mr. Aryan Kotwal. He tenders the photostat copy of Respondent No.2's Identity Card, which is taken on record and marked with "X-1" for identification.

6. Mr. Aryan Kotwal, learned Advocate for Respondent No.2, states that the Affidavit dated 1st April 2026, affirmed by Respondent No.2 before Notary S. N. Dhange, Fort Mumbai, is placed on record. The same is marked with "X-2" for identification.

7. 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 to quashing the criminal proceedings. Respondent No.2 states that she was indeed in a romantic relationship with the Applicant and that their consensual physical relationship was based on love. She submits that a misunderstanding during this period led to a dispute, prompting her to file a complaint. She states that she is now planning to move to Delhi with her minor daughter and settle there permanently. She states that the continuation of the criminal proceedings will cause suffering not only to her but also to her minor daughter. She states that she has no intention of supporting the prosecution and wishes to have the impugned FIR and related charge-sheet quashed.

Respondent No.2 relies on paragraphs 2 to 5 of her Affidavit (X-2), which are transcribed herein below in verbatim.

"2. I say that me and Applicant were in love relationship since the year 2022. I further say that due to our love relationship we both had consensual physical relationship. I say that after the Applicant refused to marry me, I registered the above-mentioned FIR against Applicant on 18/12/2025 with Bangur Nagar Police Station, Mumbai offences punishable u/s. 69, 88, 351(2), 123 of BNS.

3. I say that in the meanwhile me and Applicant amicably resolved our entire dispute considering that I have to take care of my 10 year old daughter and further I am planning to settle down in Delhi, therefore it is not possible for me to remain available to continue with the said criminal proceedings against the applicant as I want to move on with my life for the sake of my daughter's future.

4 In view of the above-mentioned settlement between me and the applicant, I have No Objection if the FIR bearing C. R. No. 683/2025 registered with Bangur Nagar Police Station, Mumbai offences punishable u/s. 69, 88, 351(2), 123 of BNS dated 18/12/2025 along with subsequent criminal proceeding of 549/PW/2026 pending on the files of Ld. Judicial Magistrate First Class 68th Court, Borivali, Mumbai against the applicant are quashed and set-aside as the cause of action does not survive as the entire dispute has been amicably settled between me and the applicant and no fruitful purpose will be served in continuing the criminal prosecution against the applicant when both the parties have amicably settle their dispute.

5. I am filling this present Affidavit-in-reply without any pressure, coercion or under any duress. I shall not challenge the order of quashing of above-mentioned case in Apex Court as I am consenting to the same in the capacity of original complainant."

8. Mrs. Anuja Gotad, learned APP for the Respondent/State, submits that the Applicant and Respondent No.2 having amicably resolved the matter, with Respondent No.2 intending to settle permanently in Delhi with her minor

daughter, she does not object to the quashing of the impugned FIR and the criminal proceedings. She, however, insists on imposing exemplary costs on the Applicant and Respondent No. 2 for involving the police to settle their personal dispute.

9. Ms Anjali Nimbkar and Mr Aryan Kotwal, on instructions, submit that the Applicant and Respondent No. 2 shall pay appropriate costs.

10. The Hon'ble Supreme Court in the case of *Madhukar Vs. State of Maharashtra*¹ in paragraph No.6 has observed as follows:-

“6. At the outset, we recognise that the offence under Section 376 IPC is undoubtedly of a grave and heinous nature. Ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is discouraged and should not be permitted lightly. However, the power of the Court under Section 482 CrPC to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case.”

11. Considering the facts mentioned above, the submissions made by the learned Advocates for the parties, the Respondent No.2 having expressed her desire to travel to Delhi with her minor daughter and settle there permanently, continuing the criminal proceedings would not only cause inconvenience to Respondent No.2 but also seriously inconvenience her minor daughter. From the statements made by Respondent No.2 this is a case of love rather than lust. The no objection given by Respondent No.2 in the Affidavit (X-2) indicates that no useful purpose will be served by persisting

¹ 2025 SCC OnLine SC 1415

with the criminal prosecution. Having regard to the pronouncements of the Hon'ble Hon'ble Supreme Court in *Gian Singh vs State of Punjab*², *Narinder Singh and Ors vs State of Punjab and Anr*³ and *Parbatbhai Aahir @ Parbatbhai vs The State of Gujarat*⁴, there is no impediment in allowing this Application.

12. In view of the above, Criminal Application No.544 of 2026 is allowed in terms of prayer clause (a), subject to payment of costs of Rs. 50,000/- each by the Applicant and Respondent No.2. Payment of costs is a condition precedent. Consequently, the impugned FIR and the charge-sheet arising out of the impugned FIR are quashed.

13. The Applicant and the Respondent No.2 shall deposit their respective costs of Rs. 50,000/- in the below-mentioned Accounts within a period of three weeks from today and file in the Registry of this Court the compliance affidavit along with the proof of deposit on or before 29th April 2026 :-

a] The Applicant shall deposit amount of Rs.50,000/- in :-

Account Name	:	BCMG's Advocate Academy& Research Center.
Account Number	:	000120110001327
Bank Name	:	Bank of India
Branch Name	:	Mumbai Main Branch
IFS Code	:	BKID000001
Type of Account	:	Current Account

² 2012 10 SCC 303

³ 2014 6 SCC 466

⁴ 2017 9 SCC 641

b] The Respondent No.,2 shall deposit amount of Rs.50,000/- in :-

High Court Law Library

Bank : State Bank of India
Branch : Mumbai Main Branch
Account No.: 10996686636
IFS Code : SBIN0000300

14. The Criminal Application No. 544 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)