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

CRIMINAL APPLICATION NO.555 OF 2026

Sneh Bharatbhai Shah & Anr. : Applicants
Versus
State of Maharashtra and anr. : Respondents.

Mr. Virendra V Pethe for the Applicant.
Mr. Ameet Palkar, APP for the Respondent/State
Mr. Harsh Shinde a/w Mr. Ameet Mehta, Sheetal Pandya and
P Savji i/by M/s. Solicis Lex for the Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 02 APRIL 2026

PC:-

1. Heard Mr. Virendra Pethe, learned Advocate for the Applicants, Mrs. Anuja Gotad, learned APP for the Respondent/State and Mr. Harsh Shinde, learned Advocate for Respondent No.2.

2. This Application under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023, is filed by the Applicants for quashing FIR No. 233 of 2021 (impugned FIR) dated 27th March 2022, registered with Malad Station, and the charge sheet registered as Case No. 581/PW/2023 pending before the Additional Chief Metropolitan Magistrate, 24th Court, Borivali.

3. Mr. Virendra Pethe, learned Advocate for the Applicants, and Mr. Harsh Shinde, learned Advocate for Respondent No.2, submit that the subject matter of the impugned FIR was primarily a dispute between Smit Shah (son of Applicant No.2 and brother of Applicant No. 1) and the Respondent No.2 . They state that Respondent No.2 had filed another complaint at Dinodshi Police Station on 8th August 2021 for cheating against Smit Shah and his relatives, which was registered as FIR No. 653 of 2021. They state Applicants are also accused in FIR No. 653 of 2021. They submit that FIR No. 653 of 2021 is quashed by the consent of the parties in view of the settlement. They submit that Smit Shah and Respondent No. 2 had a relationship and eventually married. However, they submit that the marriage did not meet the required legal formalities and therefore, a petition has been filed before the Court Family Court, Bandra, for its annulment. They submit that the deterioration in the relationship between Smit Shah and Respondent No. 2 led to the filing of the complaint, resulting in the impugned FIR. They submit that the Applicants and Respondent No.2 have amicably resolved the matter, and Respondent No.2 has given her no objection to the quashing of the criminal proceedings in her affidavit dated 2nd April 2026.

4. Applicant 2 is present in Court, whereas Applicant No.1 appears through V. C. Applicants are identified by their Advocate Virendra Pethe. He tenders 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 the Court and is identified by her Advocate Mr. Harsh Shinde. 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. Mr. Harsh Shinde, learned Advocate for Respondent No. 2, states that the Affidavit dated 2nd April 2026, affirmed by Respondent No. 2 before Notary Sheetal Hemant Pandya, Mumbai, is placed on record. The same is marked as "**X-2**" for identification.

7. Respondent No. 2 states that her purported marriage with Smit Shah – the son of Applicant No. 2 and the brother of Applicant No. 1, is a nullity and therefore she has applied before the Family Court seeking a declaration that the said marriage is null and void. She states that the dispute between her and the Applicants is amicably resolved. She states that she wants to continue with her life and lead it peacefully. She states that the said Affidavit (X-2) is filed of her own free will and without any pressure or coercion from anyone. She states that the contents of the Affidavit (X-2) reflect her own statements. She reiterates her no objection to the quashing of the criminal proceedings. She states that she is not interested in continuing with the criminal proceedings and wishes to end them. She relies on paragraphs 3 to 8 of her Affidavit (X-2), which are transcribed herein below verbatim: -

“3. I say that the Applicants and I have amicably reached a final settlement of our disputes and accordingly I have executed Memorandum of Understanding (MOU) dated 11.03.2026 with Applicant's brother i.e. Mr. Smit Shah reflecting such settlement, pursuant to which I and the Applicants withdraw all kind of claims and allegations against each other and agree to withdraw all cases against each other, which have been specified in the Memorandum of Understanding (MOU). I further say that the Memorandum of Understanding (MOU) shall be treated and considered as Consent Terms and be read accordingly. Hereto annexed is a copy of the Memorandum of Understanding (MOU) dated 11.03.2026 as "Annexure A".

4. I say that as per the Memorandum of Understanding (MOU), it has been agreed between the parties among other terms and conditions stated therein, as under :-

a. That the brother of the Applicant no.1 i.e. Mr. Smit Shah has agreed to amend his Written Statement filed in Petition No.A-2929/2021 pending before the Hon'ble Family Court Bandra, Mumbai. Further, the brother of the Applicant no.1 i.e. Mr. Smit Shah has agreed to co-operate to get a Decree on admission in the above matter on admission and denial of the fact that the purported marriage dated 03.06.2021 was not performed as per Hindu Vedic Rites.

b. It is agreed between both the parties that, the brother of the Applicant no.1 i.e. Mr. Smit Shah prior to the amendment of Written Statement in Petition No.A-2929/2021 pending before the Hon'ble Family Court Bandra, Mumbai the brother of the Applicant no.1 i.e. Mr. Smit Shah and his relatives shall file quashing proceedings before the Hon'ble Bombay High Court in case no. 6703223/PW/2022 2400581/PW/2023 pending & case no. before Hon'ble Metropolitan Magistrate Court Borivali, Mumbai wherein the Respondent no.2 is the original Complainant.

c. It is agreed between both the parties that, the brother of the Applicant no. 1 i.e. Mr. Smit Shah prior to the decree of admission Written Statement amendment the Respondent no.2 shall file her Affidavit of consent for quashing the case no. 6703223/PW/2022 & case no. 2400581/PW/2023 and shall give the consent for withdrawal of the above two matters prior to the passing of the admission of decree in Petition No.A-2929/2021 pending before the Hon'ble Family Court, Bandra, Mumbai.

d. It is agreed between both the parties that, the brother of the Applicant no.1 i.e. Mr. Smit Shah shall amend the

marriage Petition No.A-2929/2021 and co-operate for decree of nullity immediately within the period of 3 days after quashing of case no. 6703223/PW/2022 & case no. 2400581/PW/2023.

5. I say that, it is expressly agreed and decided between the brother of the Applicant no.1 i.e. Mr. Smit Shah and me, that neither party shall deviate from the said Memorandum of Understanding (MOU) and that the said terms shall be binding upon the parties thereto.

6. I say that there are no subsisting grievances between myself and the Applicants and that all past disputes and differences have been amicably settled between us.

7. I say that there is no force, undue influence or coercion exerted upon me, and I have executed the Memorandum of Understanding (MOU) at own free will.

8. I therefore have no objection if the Hon'ble Court is pleased to quash the FIR and all consequential proceedings arising therefrom."

8. Mr. Ameet Palkar learned APP for the Respondent/State submits that the Applicants and Respondent No.2 having amicably resolved their dispute, which appears to be a matrimonial matter, he does not oppose the quashing of the impugned FIR and the charge-sheet arising from it. However, he insists on imposing exemplary costs on the parties, on the ground that the matrimonial dispute being dragged into the police and the police machinery being set in motion warrant this.

9. Mr. Virendra Pethe, learned Advocate for the Applicants and Mr. Harsh Shinde, learned Advocate for the Respondent No.2 on instructions, submit that appropriate costs would be paid.

10. Considering the facts mentioned above, the submissions of the learned Advocates for the parties, the subject matter of the impugned FIR being a matrimonial dispute between Smit Shah (son of Applicant No.2 and brother of Applicant No. 1) and Respondent No.2, which has now been resolved between them, as the parties have applied to the Family Court for seeking nullity of the marriage and Respondent No.2 having expressed her desire to continue her life peacefully, along with the statements made by Respondent No.2 in the Affidavit (X-2), 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*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 No.555 of 2026 is allowed in terms of prayer clause (a), subject to payment of costs of Rs. 50,000/- by each of the Applicants and Rs. 50,000/- by the Respondent No.2. Payment of costs is a condition precedent. Consequently, the impugned FIR and the charge-sheet arising from the impugned FIR are quashed.

12. The Applicants and the Respondent No.2 shall deposit their costs in the below-mentioned Account within a period of three weeks from today and file in the Registry of this Court

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641

the compliance affidavit along with the proof of deposit on or before 24th April 2026.

a] Each of the Applicants shall deposit the amount Rs.50,000/- in :-

High Court Law Library

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

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

Central Police Welfare Fund

Director General MS Mumbai

Account No: 914010029005759
Bank : Axis Bank Limited
Branch : Worli, Mumbai (M.H.), Mumbai - 400 025
IFSC Code: UTIB0000060

13. The Criminal Application No.555 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)