

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.563 OF 2026

Maya Shankar Vishwakarma ... Applicant
V/s.
The State Of Maharashtra And Anr ... Respondents

Mr. Vaibhav Jagdale, Advocate for the Applicant.

Mr. Onkar Chaudhari h/f Mr. Shailesh Kharat, Advocate for Respondent No.2.

Ms. A.S. Gotad, APP for Respondent No.1-State.

PSI Rathod, Wagle Estate Police Station, is present.

CORAM : ASHWIN D. BHOBE, J.

DATED : 1st April 2026

P.C.:

1. Heard Mr. Vaibhav Jagdale, learned Advocate for the Applicant, Ms. A.S. Gotad, learned APP for Respondent No.1-State and Mr. Onkar Chaudhari, learned Advocate for Respondent No.2.

2. This Application under Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 is preferred by the Applicant for quashing the FIR bearing No.42 of 2026 (hereinafter "impugned FIR") registered with Wagle Estate Police Station.

3. Mr. Vaibhav Jagdale, learned Advocate for the Applicant and Mr. Onkar Chaudhari, learned Advocate for Respondent No.2 submit that a

matrimonial discord between Applicant (Wife) and Respondent No.2 (Husband) in respect of a dispute pertaining to a shop resulted in Respondent No.2 filing a complaint against the Applicant. They submit that the dispute was in respect of a transfer of the shop in the name of the Applicant. They submit that the Applicant and the Respondent No.2 have now amicably resolved their dispute and are residing happily together as husband and wife. They submit that the Respondent No.2 upon reconciliation with the Applicant, does not intend to continue with the criminal proceedings which were filed on account of a misunderstanding. They submit that Respondent No.2 has given no objection for quashing of the criminal proceedings against the Applicant. They therefore submit that the impugned FIR be quashed.

4. The Applicant is present in the Court and is identified by her Advocate Mr. Vaibhav Jagdale. He tenders the Photostat copy of the Identity Cards of Applicant, which is taken on record and marked as “X” for identification.

5. Respondent No.2 is present in the Court and is identified by his Advocate Mr. Onkar Chaudhari. He tenders the Photostat copy of Identity Card of Respondent No.2, which is taken on record and marked as “X-1” for identification.

6. Mr. Onkar Chaudhari, states that the Affidavit dated 1st April,

2026 affirmed by Respondent No.2 before the Notary S. N. Dhange, Fort, Mumbai is placed on record, the same is marked as “X-2” for identification.

7. The Respondent No. 2 who is present in Court states that the Affidavit (X-2) is filed out of his own free will and without any force or pressure from anyone. He states that the contents of the Affidavit (X-2) are as per his say. He states that the impugned FIR was filed on misunderstanding. He submits that he has resolved the misunderstanding with the Applicant and they having reconciled the differences are staying together as husband and wife. He submits that he does not want to continue with the criminal proceedings against his wife. He relies on Paragraphs Nos.3,4, and 5 of the Affidavit (X-2) which are transcribed herein below in verbatim:-

“3. I say that I and the Applicant have gotten married on 10th June, 2024 and are staying together since then.

4. I say that I and the Applicant are happily married and I do not have any complaint of whatsoever nature against her. I say that only due to misunderstanding the present FIR came to be lodged.

5. I say that I and the Applicant have arrived at an amicable settlement and we have compromised the present matter. I further say that I and the Applicant desire to stay together without any complaints against each other and want to continue our married life

peacefully”.

8. Ms. A. S. Gotad, learned APP for Respondent No.1-State, submits that as the Respondent No.2 has reconciled the matrimonial dispute and the Respondent No.2 giving his no objection in the Affidavit (X-2) for quashing the impugned FIR, they staying together as Husband and Wife, she does not object to the quashing of the impugned FIR. She however submits that a dispute which otherwise was not required, was taken to the police resulting in putting the police machinery in action as such, she insists for imposition of exemplary cost on the Applicant and the Respondent No.2.

9. Mr. Vaibhav Jagdale and Mr. Onkar Chaudhari, on instructions, submit that the Applicant and Respondent No.2 shall deposit appropriate costs.

10. Considering the above said facts, the submissions of the learned Advocates for the parties, the nature of dispute being a matrimonial disharmony, the matter being settled between the Applicant (Wife) and the Respondent No.2 (Husband), the statements made by the Respondent No.2 in the court and in the Affidavit (X-2), no useful purpose will be served by allowing the criminal prosecution to continue. Having regard to the pronouncements of the *Hon'ble Hon'ble Supreme Court in Gian Singh vs State Of Punjab¹, Narinder Singh And Ors vs*

¹ 2012 10 SCC 303

State Of Punjab And Anr² and Parbatbhai Aahir @ Parbatbhai vs The State Of Gujarat³, there is no impediment in allowing this Application.

11. In view of the above, Criminal Application No.563 of 2026 is allowed in terms of prayer clause (a) subject to payment of costs of Rs.25,000/- each by the Applicant and by the Respondent No.2. Payment of costs is a condition precedent. Consequently, the impugned FIR is quashed and set aside.

12. The Applicant and the Respondent No.2 shall deposit the costs of Rs.25,000/- each in the below mentioned Account within a period of two weeks from today and file in the Registry of this Court the compliance affidavit along with the proof of deposit on or before 20th April, 2026 :-

Account Name : BCMG'S Advocate Academy & Research Center.

Account Number : 000120110001327

Bank Name : Bank of India

Branch Name : Mumbai Main Branch

IFS Code : BKID0000001

Type of Account : Current Account

13. The Criminal Application No.563 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)

² 2014 6 SCC 466

³ 2017 9 SCC 641