

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 602 OF 2026

Harischandra R. Pandey And Ors. ... Applicants

Versus.

State Of Maharashtra And Anr. ... Respondents

Mr. Abdullah Katlariwala a/w Mr. Nikhil Ghate, for the Applicants.
Applicants are present in Court.

Mr. Prakash Mishra, for the Respondent No. 2.

Respondent No. 2 is present in Court.

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

PSI A. A. Jagtap, Chitalsar Manpada Police Station, is present.

CORAM : ASHWIN D. BHOBE, J.

DATE : 6th April, 2026.

P.C. :

1. Heard Mr. Abdullah Katlariwala, learned Advocate for the Applicants, Mr. Sukanta Karmakar, learned APP for the Respondent – State and Mr. Prakash Mishra, learned Advocate for the Respondent No. 2.

2. At the outset, Mr. Abdullah Katlariwala, learned Advocate for the Applicants, submits that during the pendency of the Criminal Application, chargesheet was filed. He therefore seeks leave to amend the prayer clause of the Criminal Application to

include a prayer regarding the chargesheet. The request made by Mr. Abdullah Katlariwala is not objected to by Mr. Sukanta Karmakar, learned APP or Mr. Prakash Mishra, learned Advocate for the Respondent No. 2. In view of the no objection, leave is granted to amend the prayer clause. Mr. Abdullah Katlariwala, states that the amendment will be carried out forthwith. Permission is granted.

3. This Criminal Application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is filed by the Applicants seeking to quash FIR No. 72 of 2025 dated 03.02.2025, registered with Chitalsar Manpada Police Station, District Thane, (impugned FIR) for offences punishable under Sections 316(2), 351, 351(3), 352, 85, and 89 of the Bharatiya Nyaya Sanhita, 2023, along with Sections 3 and 4 of the Dowry Prohibition Act and the chargesheet registered as RCC 4613 of 2025, pending before the 9th Joint Civil Judge, J.M.F.C., Thane (Magistrate), arising out of the impugned FIR.

4. Mr. Abdullah Katlariwala and Mr. Prakash Mishra submit that the subject matter of the impugned FIR is a matrimonial

dispute between Applicant No. 3 (Husband) and Respondent No. 2 (Wife). They submit that the Applicants and Respondent No. 2 settled the matrimonial dispute before this Court in proceedings related to A.B.A. No. 533 of 2025. They submit that during those proceedings, the parties were referred to mediation, where they reached a settlement. They submit that Respondent No. 2 is no longer interested in continuing with the criminal proceedings and therefore has given no objection to quashing the criminal proceedings. Therefore, they request the quashing of the impugned FIR and all related criminal proceedings.

5. The Applicants are present in Court and are identified by their Advocate Mr. Abdullah Katlariwala. He submits the photocopies of the Applicant's identity cards (6 copies), which are taken on record and marked as **“X-colly”** for identification.

6. Respondent No. 2 is present in Court and is identified by her Advocate, Mr. Prakash Mishra. He submits a photocopy of Respondent No. 2's identity card, which is taken on record and marked as **“X-1”** for identification.

7. Mr. Prakash Mishra, states that the Affidavit dated 06.04.2026, affirmed by the Respondent No. 2, before the Notary S. N. Dhange, is placed on record, the same is marked as “X-2” for identification.

8. Respondent No. 2 states that the Affidavit (X-2) is filed voluntarily and without any pressure or coercion from anyone. She states that the contents of the Affidavit (X-2) are as per her say. She states that the matrimonial dispute was amicably resolved between her and the Applicants before the Mediator Shri Ashok Mundargi, learned Senior Advocate appointed by this Court during the hearing of the Anticipatory Bail Application No. 533 of 2025. She submits that in view of the settlement, she has no objection for quashing of the impugned FIR and the charge-sheet. She refers to paragraph Nos. 3, 4 and 6 of the Affidavit (X-2) which are transcribed herein below in verbatim:-

3. I say that the applicants have filed their respective anticipatory bail applications before the District & Sessions Court, Thane being ABA No. 316 of 2025 & 317 of 2025 respectively. The ABA No. 316 of 2025 of Mr. Ankit Harishchandra Pandey was rejected and ABA No. 317 was partly allowed and save and except, Harishchandra R. Pandey, rest of family members' bail application were allowed by the Hon'ble District & Sessions Court, Thane

vide orders dated 17/02/2025.

4. I say that Mr. Ankit Harishchandra Pandey had filed pre-arrest bail application being ABA No. 533 of 2025 and his father Mr. Harishchandra R. Pandey had filed ABA No. 532 of 2025 before the Hon'ble High Court, Bombay. During pendency of the above-mentioned ABA's, the Hon'ble High Court, Bombay referred the dispute of the parties before mediator and appointed Senior Advocate Shri. Ashok Mundargi. Accordingly, both the parties have settled their dispute before the mediator and come to the conclusion to settle their dispute and claim and executed consent term dated 15/09/2025 (hereinafter referred to as 'said consent terms'). The Hon'ble High Court by way of order dated 16/09/2025 was pleased to allowed ABA No. 532 of 2025 and ABA No. 533 of 2025 and disposed of Criminal Application no. 85 of 2025 and Criminal Application no. 86 of 2025 as withdrawn and Interim applications were also disposed of.

6. I say that as per paragraph no. 3(e) of said consent terms, I undertake to file consent affidavit in the proceeding of quashing of FIR/chargesheet filed by the applicants, therefore, I am filing present consent affidavit for quashing of FIR of the applicant for compliance of the said consent terms.

9. Mr. Sukanta Karmakar, learned APP, states that in light of the settlement between the Applicants and Respondent No. 2, which occurred during the course of ABA No. 533 of 2025, he does not oppose the quashing of the impugned FIR and chargesheet. However, he insists on imposing costs on both the Applicants and Respondent No. 2.

10. Mr Abdullah Katlariwala and Mr Prakash Mishra, learned Advocates on instructions from the Applicants and the Respondent No. 2, submit that they shall pay appropriate costs.

11. Considering the facts mentioned above and the matrimonial dispute between the Applicants and Respondent No. 2, which was settled by a Mediator appointed by this Court during the proceedings of ABA No. 533 of 2025 and the fact that Applicant No. 3 and Respondent No. 2 have been separated by divorce granted on 20.12.2025, along with the no objection given by Respondent No. 2 in her Affidavit (X-2), no useful purpose would be served in continuing with the criminal proceedings. Having regard to the pronouncements of the Hon'ble Supreme Court in the case of *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.

12. In view of the above, Criminal Application No. 602 of 2026

1 2012 10 SCC 303

2 2014 6 SCC 466

3 2017 9 SCC 641
Arjun

is allowed in terms of prayer clause (a) and (a-1), subject to payment of cost of Rs. 10,000/- each 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 from it are quashed.

13. The Applicants shall deposit the cost of Rs. 10,000/- each, in the account mentioned below within a period of three (3) weeks from today.

Central Police Welfare Fund	
Director General M. S. Mumbai.	
Account No. :	914010029005759
Bank:	Axis Bank Limited
Branch:	Worli, Mumbai (M.H.), Mumbai - 400 025
IFSC Code:	UTIB0000060

14. The Respondent No. 2 shall deposit the cost of Rs. 25,000/- in the account mentioned below, within a period of three (3)

weeks from today.

The High Court Employees Medical Welfare Fund at Mumbai	
Account No. :	000120110001337
Bank:	Bank of India
Branch:	Mumbai Main
IFSC Code:	BKID0000001

15. The compliance affidavit, along with the proof of deposit, shall be filed by the Applicant and the Respondent No. 2 in the Registry of this Court on or before 30.04.2026.

16. Criminal Application No. 602 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)