

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 711 OF 2026**

Vipul Ajaykumar Dalmia And Ors. ... Applicants

Versus

The State Of Maharashtra And Anr. ... Respondents

Mr. Omkar Dhakal a/w Shashikala Kale, for the Applicants.

Mr. Shashwat Nehete i/b Sanchita Tripathi, for the Respondent No. 2.

Mrs. Anuja Gotad, APP for the Respondent – State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 30th April, 2026.

P.C. :

1. This Application is circulated pursuant to the praecipe dated 28.04.2026, same is marked as “A” for identification.

2. Heard Mr. Omkar Dhakal, learned Advocate for the Applicants, Mrs. Anuja Gotad, learned APP for the Respondent – State and Mr. Shashwat Nehete, learned Advocate for the Respondent No. 2.

3. This Application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is filed by the Applicants seeking to quash

FIR No. 304 of 2017, dated 24.11.2017, registered with Meghwadi Police Station (hereinafter "*impugned FIR*"), for offences punishable under Sections 498-A, 323, 504, 506 and 406 read with 34 of the Indian Penal Code, 1860, and the chargesheet registered as Case No. PW/0001647/2018, pending before the Judicial Magistrate First Class, Railway Court at Andheri.

4. Mr. Omkar Dhakal and Mr. Shashwat Nehete submit that the subject matter of the impugned FIR is a matrimonial dispute between Applicant No. 1 (Husband), his family members and Respondent No. 2 (Wife). They submit that the matrimonial dispute between the Applicants and Respondent No. 2 has been amicably resolved. They submit that Applicant No. 1 and Respondent No. 2 have filed proceedings seeking divorce before the Family Court at Bandra, registered as M. J. Petition No. A/103085/2018. They submit that, although the Petition was filed under Section 28 of the Special Marriage Act, 1954, they have now requested the Court to convert the same under Section 13(b) of the Hindu Marriage Act, 1955. They further state that, in view of the settlement of the dispute between the Applicants and

Respondent No. 2, Respondent No. 2 in her Affidavit dated 07.04.2026 has given her no objection to the quashing of the impugned FIR and the chargesheet. They therefore request that the impugned FIR and the chargesheet be quashed.

5. The Applicants are present in court and are identified by their Advocate Mr. Omkar Dhakal. He tenders photocopies (3 Nos.) of the identity cards of the Applicants which are taken on record and marked **“X-colly”** for identification.

6. Respondent No. 2 is present in Court and is identified by her Advocate Mr. Shashwat Nehete. 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. Shashwat Nehete states that the Affidavit dated 07.04.2026, affirmed by the Respondent No. 2 before the Notary K. S. Singh, is placed on record, same is marked as **“X-2”** for identification.

8. Respondent No. 2 states that the Affidavit (X-2) is filed of her

own free will and without any pressure or coercion from anyone. She states that the matrimonial dispute between her, the Applicant No. 1 and his family members is amicably resolved. She states that she and the Applicant No. 1 have decided to part ways and as such have filed proceedings seeking divorce before the Family Court at Bandra. She submits that, in view of the amicable resolution of the dispute between her and the Applicants, she will not support the prosecution case. She reiterates her no objection to the quashing of the impugned FIR and the chargesheet. She refers to paragraph Nos. 3 to 7 of her Affidavit (X-2), which paragraphs are transcribed herein below in verbatim:-

3. I say that with the intervention of elders of both families, the disputes between myself and the Applicants have been amicably resolved. I say that the parties have executed Consent Terms dated 05.02.2026, which have been filed before the Hon'ble Family Court at Bandra, Mumbai. A copy of the consent terms is attached hereto and marked as Exhibit "A".

4. I state that in Paragraph No. 18 of the consent terms, the parties have mutually agreed to withdraw the F.I.R No. 340 of 2017 registered with Meghwadi Police Station and all other proceedings arising out of the said F.I.R being Case No. PW/0001647 of 2018 pending before Judicial Magistrate (First Class), Railway Court at Andheri, Bombay.

5. *I hereby confirm that I harbor no further grievances against the Applicants and do not wish to pursue or proceed with any further actions against them.*

6. *I say that in view of the above settlement, I do not wish to prosecute the said complaint any further. I hereby give my free, voluntary, and unconditional consent to the quashing of F.I.R No. 340 of 2017 registered with Meghwadi Police Station, and Case No. PW/0001647 of 2018 pending before the Learned Judicial Magistrate (First Class), Railway Court at Andheri, Mumbai.*

7. *I state that I have No Objection for this Hon'ble Court to quash the said F.I.R and all consequential proceedings.*

9. Mrs. Anuja Gotad, learned APP for the Respondent – State, submits that since the matrimonial dispute between the Applicants and the Respondent No. 2 has been amicably resolved, the Respondent No. 1 – State has no objection to the quashing of the impugned FIR and the chargesheet.

10. Considering the facts mentioned hereinabove, the submissions of the learned Advocates, the subject matter being a matrimonial dispute between the Applicants and the Respondent No. 2, which is now resolved, the divorce proceedings filed by the Applicant No. 1 and the Respondent No. 2 after deciding to part ways and the statements made by the Respondent No. 2 before

this Court and in her Affidavit (X-2), no useful purpose would be served by continuing the criminal proceedings.

11. Having regards 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. 711 of 2026 is allowed in terms of prayer clause (a). Consequently, the impugned FIR and the chargesheet arising out of the impugned FIR are quashed. There shall be no orders as to cost.

13. Criminal Application No. 711 of 2026 is allowed.

(ASHWIN D. BHOBE, J.)

1 2012 10 SCC 303
2 2014 6 SCC 466
3 2017 9 SCC 641