

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY APPLICATION NO. 868 OF 2026

Suyash Manoj Dathe & Ors. ... Applicants

Versus.

The State of Maharashtra & Anr. ... Respondents

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Mr. Tukaram Shendge, Advocate for Applicants.

Mr. Mateen Shaikh a/w Mr. Muskan Shaikh, Mr. Suresh Jadhav, Mr. Shoaib Shaikh, Advocates for Respondent No.2

Mrs. P. P. Bhosale, APP for the Respondent - State.

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CORAM : ASHWIN D. BHOBE, J.

DATE : 7<sup>th</sup> MAY, 2026

P.C. :

1. This Application is circulated pursuant to the praecipe dated 6<sup>th</sup> May, 2026, same is taken on record and marked 'X' for identification.

2. Heard Mr. Tukaram Shendge, learned Advocate for the Applicants, Mrs. P. P. Bhosale, learned APP for the Respondent/State and Mr. Mateen Shaikh, learned Advocate for Respondent No.2.

3. This Application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is preferred by the Applicants 494 of 2024 dated 20 April 2024, registered with Wakad Police Station, Pimpri Chinchwad, Pune (impugned FIR) and the charge sheet bearing RCC No. 585 of 2024, pending before the 11-9<sup>th</sup> Civil Judge Junior Division & Judicial Magistrate First Class, Pimpri, Pune.

4. Mr. Tukaram Shendge, learned Advocate for the Applicants, and Mr. Mateen Shaikh, learned Advocate for Respondent No. 2, submit that the subject matter of the impugned FIR is a matrimonial dispute between Applicant No. 1 (husband) and Respondent No. 2 (wife). They submit that Applicant No. 1 was married to Respondent No. 2 on 18<sup>th</sup> January, 2018. 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 decided to part ways and have approached the Family Court by filing a Petition seeking divorce by mutual consent under Section 13B of the Hindu

Marriage Act, 1955. They submit that, in view of the settlement, Respondent No. 2 has given her no objection in her Affidavit dated 4<sup>th</sup> May, 2026. They therefore request the quashing of the impugned FIR and the charge-sheet arising therefrom.

5. Applicant No.1 is present in the Court. Applicant Nos. 2 to 8 appear through V.C. The Applicants are identified by their Advocate Mr. Tukaram Shendge. He tenders the Photostat copies of the Applicants' Identity Cards, which are taken on record and marked as "**X-Colly**" for identification.

6. Respondent No.2 is present in the Court and is identified by her Advocate Mr. Mateen Shaikh. He tenders the Photostat copy of Respondent No.2's Identity Card, which is taken on record and marked as "**X-1**" for identification.

7. Mr. Mateen Shaikh, learned Advocate for the Respondent No.2, states that the Affidavit dated 04 May 2026 affirmed by Respondent No.2 before the Notary Shruti Sankpal is placed on record, the same is marked as "**X-2**" for identification.

8. Respondent No. 2 states that the said Affidavit (X-2) is filed 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 the quashing of the criminal proceedings. Respondent No. 2 states that she has amicably resolved the dispute with Applicant No. 1 as well as the other Applicants. She states that she has decided to part ways and has filed the Matrimonial Petition bearing No. A-875 of 2025 seeking divorce, which is pending before the Family Court at Pune. She states that, in view of the settlement, she is not interested in continuing the criminal proceedings, as she wants to lead a peaceful life. She states that the continuation of the criminal proceedings would cause agony and further harassment to her. She therefore requests the quashing of the impugned FIR and the charge-sheet. She relies on paragraph Nos. 8, 9 & 10, which are transcribed herein below verbatim :-

*“8. I say that, in aforesaid Consent Term I gave also agreed to withdraw the PWDVA NO. 17 OF 2026 pending in the Court of Ld. Judicial Magistrate First Class, Paud, Pune and give consent to Quash and set aside the above said FIR and further proceeding arising out of same.*

*9. I Say that, we have settled our Matrimonial dispute amicably and decided to take divorce by mutual consent.*

*10 I say that, the FIR was lodged against the Applicants*

*due to Matrimonial soured Relationship and misunderstanding between me and Applicants.”*

9. Mrs. P. P. Bhosale, learned APP for Respondent No. 1, submits that the matrimonial dispute between the Applicants and Respondent No. 2 having been amicably resolved, Respondent No. 1 – State has no objection to the quashing of the impugned FIR and the charge-sheet. She, however, insists on imposing costs on the Applicants and Respondent No. 2, as the dispute was not required to be taken to the police station, yet it was taken there.

10. Mrs. P. P. Bhosale, learned APP for Respondent No. 1, submits that the matrimonial dispute between the Applicants and Respondent No. 2 having been amicably resolved, Respondent No. 1 – State has no objection to the quashing of the impugned FIR and the charge-sheet. She, however, insists on imposing costs on the Applicants and Respondent No. 2, as the dispute was not required to be taken to the police station, yet it was taken there.

11. Mr. Tukaram Shendge, learned Advocate for the Applicants and Mr. Mateen Shaikh, learned Advocate for Respondent No. 2, on instructions from their respective parties,

state that the appropriate costs would be paid.

12. Considering the facts mentioned above, the submissions made by the learned Advocates for the parties, the nature of the dispute being matrimonial disharmony between Applicant No. 1 and Respondent No. 2, the statements made by Respondent No. 2 before this Court and in her affidavit 'X-2', as also the decision of Respondent No. 2 to separate from Applicant No. 1, no useful purpose would be served by continuing the criminal proceedings.

13. Having regard to the pronouncements of the Hon'ble Supreme Court in the case of Gian Singh vs State of Punjab<sup>1</sup>, Narinder Singh and Ors. vs State of Punjab and Anr<sup>2</sup>, and Parbatbhai Aahir @ Parbatbhai vs The State of Gujarat<sup>3</sup>, there is no impediment in allowing this Application.

14. In view of the above, Criminal Application No. 868 of 2026 is allowed in terms of prayer clause (b), subject to each of

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1 2012 10 SCC 303

2 2014 6 SCC 466

3 2017 9 SCC 641

the Applicants paying costs of Rs. 10,000/- and Respondent No. 2 paying costs of Rs. 15,000/-. Payment of costs is a condition precedent. Consequently, the impugned FIR and the charge-sheet arising therefrom are quashed.

15. Each of the Applicants shall deposit costs of Rs. 10,000/- and Respondent No. 2 shall deposit costs of Rs. 15,000/- in the below mentioned account within a period of four weeks from today and file the compliance affidavit along with proof of deposit in the Court's Registry on or before 15<sup>th</sup> June, 2026.

**Account Name : Bar Council of Maharashtra and Goa Advocate Aid Fund**

**Account Number : 10996711937**

**Bank : Bank of India**

**Branch : Mumbai Main**

**IFSC Code : SBIN0000300**

**Type of Account : Saving A/c**

16. The Criminal Application No.868 of 2026 is disposed of.

**(ASHWIN D. BHOBE, J.)**