

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

(Sr. No. 2) WRIT PETITION NO. 2881 OF 2025

WITH

INTERIM APPLICATION (ST) NO. 20013 OF 2025

IN

WRIT PETITION NO. 2881 OF 2025

Sushma Rakesh Sharma & Ors. ... Petitioners

Versus.

The State of Maharashtra ... Respondent

WRIT PETITION NO. 2883 OF 2025

WITH

(Sr. No. 3) INTERIM APPLICATION (ST) NO. 20014 OF 2025

IN

WRIT PETITION NO. 2883 OF 2025

Anuj Rakesh Bharadwaj ... Petitioner

V/s.

The State of Maharashtra ... Respondent

Mr. Salman Pathan, Advocate for Applicants in both Petitions.

Ms. Rajeshree Newton, APP for Respondent – State.

Mr. Kishor Ajetroa, Advocate for Respondent No. 2.

CORAM : ASHWIN D. BHOBE, J.

DATE : 7th MAY, 2026

P.C. :

1. Both these matters have been circulated in pursuance of the praecipe (s) dated 6th May, 2026, the same are taken on record and independently as marked 'X' for identification.

2. Though the Interim Applications, filed by the Applicants/Petitioners seeking a stay of the proceedings arising out of FIR No. 398 of 2024, are on today's board, Mr. Salman Pathan, learned Advocate for the Petitioners and Mr. Kishor Ajetrao, learned Advocate for Respondent No. 2, submit that Criminal Writ Petition No. 2881 of 2025 and Writ Petition No. 2883 of 2025, filed challenging FIR No. 398 of 2024 dated 5th December, 2024, registered with Vishrantwadi Police Station, Pune, be taken up and disposed of. They therefore request that both these Petitions be disposed of together by a common order. Ms. Rajeshree Newton, learned APP for the State, does not object to taking up both these Petitions together. At the request of the parties, both these Petitions are taken up together for disposal by this common order.

3. These Petitions under Article 226 of the Constitution of India and under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 are preferred by the Petitioners for quashing the FIR bearing No. 398 of 2024 (impugned FIR) dated 5th December, 2024 registered with Vishrantwadi Police Station for the offences punishable under Sections 498A r/w 34 of IPC and U/s.3(1)r, 3(1) (s) of the Prevention of Atrocities Act (SC & ST Act) and chargesheet bearing Case No. 598 of 2025 pending before Special Judge under SC and ST (POA), Act.

4. Petitioner (Anuj Rakesh Bharadwaj) in Criminal Writ Petition No. 2883 of 2025 is the husband of Respondent No.2 (wife). Petitioners (Sushma Rakesh Sharma, Rakesh Omprakash Sharma, Nisha Rakesh Bhardwaj and Sanjay Kumar Sharma) in Writ Petition No. 2881 of 2025 are the relatives of Anuj Rakesh Bharadwaj. Respondent No. 2 in both these Applications is the wife of Anuj Rakesh Bharadwaj.

5. Mr. Salman Pathan, learned Advocate for the Petitioners and Mr. Kishor Ajetroa, learned Advocate for

Respondent No. 2, submit that the subject matter of the impugned FIR is a matrimonial dispute between the Petitioners and Respondent No. 2. They submit that the matrimonial disharmony between Petitioner (Anuj Rakesh Bharadwaj) and Respondent No. 2 (wife) led Respondent No. 2 to file a complaint, which was registered as the FIR. They submit that Respondent No. 2 has amicably resolved her matrimonial discord with the Petitioners. They submit that, upon settlement, Respondent No. 2 is residing with Petitioner (Anuj Rakesh Bharadwaj) as husband and wife, in a joint family. They submit that, in view of the settlement, Respondent No. 2 has affirmed independent affidavits dated 5th May, 2026. They therefore request the quashing of the impugned FIR.

6. Petitioner (Anuj Rakesh Bharadwaj) in Writ Petition No.2883 of 2025 is present in Court. Petitioner Nos. 1, 2, 3 & 4 in Writ Petition No.2881 of 2025 appear through V.C.. All the Petitioners are identified by their Advocate Mr. Salman Kadir Pathan. He tenders the photostat copy of the Petitioner's identity card in Writ Petition No.2883 of 2025, which is taken on record

and marked as “**X**” for identification. Mr. Salman Kadir Pathan tenders the copies of the Petitioners’ identity cards in Writ Petition No.2881 of 2025, which are taken on record and marked as ‘**X-colly**’ for identification.

7. Respondent No. 2 is present in Court and is identified by her Advocate Mr. Kishor Ajetrao. He tenders the photostat copy of Respondent No. 2’s identity card in both the Writ Petitions, which are taken on record and marked as ‘**X-1**’ for identification.

8. Mr. Kishor Ajetrao, learned Advocate for Respondent No. 2, states that the separate Affidavit/s both dated 5th May, 2026, affirmed by Respondent No. 2 before the Notary Sanjay Tukaram Patankar, are placed on record in both the Writ Petitions, and the same are marked as “**X-2**” for identification.

9. Respondent No. 2 states that she filed the complaint due to a disagreement with her husband, Anuj Rakesh Bharadwaj. She states that the misunderstanding she had with the Petitioner No. 1, Anuj Rakesh Bharadwaj, as also with the other Petitioners

(i.e., her in-laws), is now resolved. She states that her allegations against the Petitioners, in respect of the offence under the SC/ST Act, were made out of anger. She states that she was neither humiliated nor abused in any manner by her caste. She states that she and Anuj Rakesh Bharadwaj, along with their minor child, are staying together. She states that, in view of the settlement, she does not want to pursue the criminal proceedings. She states that continuation of the criminal proceedings would cause agony to her and may affect her happy marital life. She states that she has no grievance against the Petitioners. She therefore, by referring to paragraph Nos. B, C, D, E & F of the Affidavit (X-2), requests the quashing of the impugned FIR, which are reproduced herein below in verbatim:-

“B. The Respondent-2 i.e I and one of original accused i.e Anuj Rakesh Bhardwaj were married. That the due to internal family disputes I have filed the various proceedings before various forums under the various laws for seeking reliefs.

C. That now we have settled the disputes and we have entreated into separate memorandum of understandings and we decided to stay together. As per the memorandum of understanding we have decided to withdraw all the cases filed against each other. (herewith attached the copy of memorandum of understanding marked as EXH-A)

D. That as the dispute were amicably settled between me and petitioners. I don't wish to proceed the special case no. 598/2025 arising out of FIR No. 398/2024 registered at Vishrantwadi Police Station.

E. That I have no objection to quash and set aside the FIR and

Charge sheet arising out of FIR No. 398/2024 registered at Vishrantwadi Police Station.

F. I state that, the present petition for quashing of FIR and charge sheet kindly be allowed and i consent for that.”

10. Ms. Rajeshree Newton, learned APP for Respondent No. 1 - State, submits that the matrimonial dispute between the Petitioners and Respondent No. 2 having been amicably resolved, Respondent No. 1 does not object to the quashing of the impugned FIR and the charge-sheet arising out of the same. However, she insists on the imposition of costs on the Petitioners and Respondent No. 2 for unnecessarily dragging a matrimonial dispute to the police station and for setting the police machinery in motion.

11. Upon perusal of the impugned FIR, one of the offences pertains to the SC/ST Act. Respondent No. 2 has stated that she referred to offences under the SC/ST Act in the complaint against her husband and in-laws out of anger.

12. Mr. Kishor Ajetrao, learned Advocate for Respondent No. 2, on instructions from Respondent No. 2, states that the

allegations under the SC & ST Act were made by Respondent No. 2 out of frustration and misunderstanding she had with her husband Anuj Rakesh Bharadwaj. Mr. Kishor Ajetrao, on instructions, confirms that neither were the sentiments of Respondent No. 2, as a member of the SC community, hurt, nor were any caste slurs made by the Petitioners against her to humiliate her. Anuj Rakesh Bharadwaj, who is present in Court and the Petitioners, who are appearing through V.C., state that they have not abused or humiliated Respondent No. 2.

13. Considering the facts mentioned above and the submissions made by learned Advocates, the nature of the dispute being a matrimonial dispute, which is now resolved as stated by Respondent No. 2 before this Court as well as in her Affidavit 'X-2', and further, Respondent No. 2 residing with Anuj Rakesh Bharadwaj along with their minor child and she having categorically stated that she has no grievance against the Petitioners, no useful purpose would be served by continuing the criminal proceedings.

14. Having regard to the pronouncements of the Hon'ble Supreme Court in the case of Gian Singh vs State of Punjab¹, Narinder Singh and Ors. vs State of Punjab and Anr², Parbatbhai Aahir @ Parbatbhai vs The State of Gujarat³, and Madhavrao Jiwajirao Scindia & ors Vs. Sambhajirao Chandrojirao Angre & ors⁴. there is no impediment in allowing this Application.

15. In view of the above, Criminal Writ Petition No.2881 of 2025 and Criminal Writ Petition No. 2883 of 2025 are allowed in terms of prayer clause (a), subject to each Petitioner in both Petitions paying costs of Rs. 25,000/- and Respondent No.2 paying costs of Rs. 25,000/-. Payment of costs is a condition precedent. Consequently, the impugned FIR and the charge-sheet arising out of the impugned FIR are quashed.

16. The Petitioners and the Respondent No. 2 in both the Writ Petitions shall pay their respective costs in the Account mentioned below within four weeks from today and file a compliance report in the Registry on or before 17th June 2026.

1 2012 10 SCC 303

2 2014 6 SCC 466

3 2017 9 SCC 641

4 (1998) 1 SCC 692

**The High Court Employees Medical Welfare Fund at
Mumbai**

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

17. Criminal Writ Petition Nos. 2883 of 2025 and 2881 of 2025 are disposed of.

18. In view of the disposal of the Writ Petitions, Interim Application (ST) No. 20013 of 2023 and Interim Application (ST) No. 20014 of 2025 do not survive, and the same are disposed of.

(ASHWIN D. BHOBE, J.)