



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1078 OF 2022

Francis Daniel Gaikwad & ors. : Applicants.
Versus.
State of Maharashtra & Anr : Respondents

Mr.Prasanna Shahane for the Applicants.
Mrs. Anuja Gotad, APP for the Respondent/State.
Ms. Sakshee P Chavan (Appointed from Legal Aid Panel)
(Through V. C.) a/w Mr. Deepam Upadhyay for the
Respondent No.2.
PSI Firoj Shaikh, Sahakar Nagar Police Station, Pune City
present.

CORAM : ASHWIN D. BHOBE, J.

DATED : 27 March 2026

PC:-

1. Heard Mr. Prasanna Shahane, learned Advocate for the Applicants, Mrs. Anuja Gotad, learned APP for the Respondent/State and Ms. Sakshee Chavan (through V.C.), learned Advocate for Respondent No.2.

2. This Application under Article 226 of the Constitution of India and Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023, is filed by the Applicants to quash FIR No.0203 of 2022 (impugned FIR) registered with Sahakar Nagar Police



Station, Pune City, for offences punishable under Section 498A read with 34 of the Indian Penal Code.

3. Mr. Prasanna Shahane, learned Advocate for the Applicants, and Ms. Sakshee Chavan, learned Advocate appearing through V.C. for Respondent No.2, submit that the matrimonial dispute between Applicant No.1 (husband) and Respondent No.2 (wife) has been amicably resolved. They state that Applicant No.1 and Respondent No.2 have applied for divorce by mutual consent, and the proceedings are pending before the Family Court, Pune, in Petition No. A-2303/2022. They further submit that, having resolved the entire dispute and decided to separate, Respondent No.2 has given her no objection to quashing the impugned FIR. Therefore, they request that the impugned FIR be quashed.

4. Applicant No. 1 is present in Court, while Applicant Nos. 2 and 3 appear through V.C. They are identified by their Advocate, Mr. Prasanna Shahane. He tenders the photocopies of the Applicants' Identity Cards, which are taken on record and marked as "**X-Colly**" for identification.

5. Respondent No.2 is present in the Court and is identified by her Advocate Ms. Sakshee Chavan and Mr. Deepam Upadhyay. Mr. Deepam Upadhyay tendered the photostat copy of Respondent No.2's Identity Card, which is taken on record and marked as "**X-1**" for identification.



6. Ms Sakshee Chavan states that the copy of the Affidavit dated 05 March 2026, affirmed by Respondent No.2 before the Notary R. V. Kamble, is placed on record, the same is marked as “X-2” for identification.

7. Respondent No. 2 states that the said Affidavit (X-2) is filed out 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. Respondent No. 2 states that she has amicably resolved the matrimonial dispute with the Applicants and, as such, is not interested in continuing the criminal proceedings filed by her and wishes to end the same to have peace in life. She submits that in view of the settlement, she has given no objection in the Affidavit (X-2). She relies on paragraph Nos. 2 to 6 which are transcribed herein below in verbatim :-

“2. I say that I had filed Divroce Petition no. A/2303 of 2022 under Section 10A of Indian Divroce Act, 1869 before the Family Court, Pune, for divorce by mutual consent.

3. I say that, wherein, we have mutually decided to dissolve our marriage amicably and accordingly consent terms came to filed on 28.01.2026. Attached herewith and marked as “Annexure A” is the copy of the said consent terms.

4. I say that in view of amicable settlement arrived between me and the Applicant, I do not wish to prosecute or pursue the aforesaid FIR and criminal proceedings against the Applicants any further.

5. I say that I have no objection if the Hon'ble Court is pleased to quash and set aside the FIR bearing no.0203 of 2022 dated 26.09.2022 registered with Sahakar nagar police station, under section 498-A r/w 34 of the Indian Penal Code, 1860 and all proceedings arising therefrom.



6 I say that my consent for quashing the FIR is given voluntarily, out of my free will, without any pressure, coercion or undue influence from the Applicants or any other person.”

8. Mrs Anuja Gotad, learned APP for the Respondent/State, submits that the matrimonial dispute between Applicant No.1 and Respondent No.2, being amicably resolved, she has no objection to the quashing of the impugned FIR. However, she states that since the Applicants and Respondent No.2 have used police machinery to settle the matrimonial dispute, she insists on imposing costs on both the Applicants and Respondent No.2.

9. Mr. Prasanna Shahane and Ms. Sakshee Chavan state, on instructions from the Applicants and Respondent No.2, that appropriate costs will be paid.

10. The records of this Application indicate that this Court, by order dated 21 September 2023, recorded that the matrimonial dispute between the Applicants and Respondent No.2 should be resolved amicably. Therefore, the parties were encouraged to consider the possibility of an amicable settlement.

11. Considering the facts mentioned herein above, the submissions of the learned Advocates for the parties, the nature of dispute being matrimonial disharmony, the matter between the Applicant No.1 and the Respondent No.2 being amicably settled and they having decided to part ways by



filing proceedings seeking divorce by mutual consent, the statements made by the Respondent No. 2 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 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. 1078 of 2022 is allowed in terms of prayer clause (B), subject to payment of costs of Rs. 25,000/- by the Applicants and Rs. 25,000/- by the Respondent No. 2. Payment of costs is a condition precedent. Consequently, the impugned FIR is quashed.

13. The Applicants and Respondent No.2 shall deposit their respective costs into the Accounts mentioned below within three weeks from today and file a compliance affidavit along with proof of deposit in the Registry of this Court on or before 17 April 2026.

a] The Applicant shall deposit the amount of Rs.50,000/-
in :-

**Central Police Welfare Fund
Director General MS Mumbai**

¹ 2012 10 SCC 303

² 2014 6 SCC 466

³ 2017 9 SCC 641



(905) APL-1078.21.D

2025:BHC-AS:29103-DB

Account No: 914010029005759

Bank : Axis Bank Limited

Branch : Worli, Mumbai (M.H.), Mumbai - 400 025

IFSC Code: UTIB0000060

- b] The Respondent No.2 shall deposit the amount of Rs.50,000/- in :-

The High Court Employees Medical Welfare Fund at Mumbai

Account No.: 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

14. The Criminal Application No.1078 of 2022 is disposed of.

(ASHWIN D. BHOBE, J.)