

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

CRIMINAL WRIT PETITION NO. 1283 OF 2015

Mrs. Anita Sagar Gaikwad .. Petitioner

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. R.V. Bansode for the petitioner
Mrs. M.M. Deshmukh, APP for respondent State

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED: 15th JULY, 2015.**

Not on board. Upon mentioning, taken on production board.

P.C.

1. Heard learned Counsel for the respective parties.
2. The complainant herself has approached this Court invoking provisions of Article 226 of the Constitution of India to quash and set aside the proceedings of Sessions Case No.76 of 2012 pending before the learned Sessions Court, Sangli. The sessions case arises out of registration of FIR No.7 of 2011 with Tasgaon Police

Station, Dist. Sangli at the instance of the petitioner for the offence punishable under Sections 498(A), 313, 323, 406, 504, 506 r/w 34 of the IPC.

3. After completion of the investigation, charge-sheet was filed in the concerned Magistrate's Court, which was numbered as R.C.C. No.106 of 2011. Since the offence under Section 313 of the IPC is exclusively triable by the Sessions Court, the case was committed to the learned Sessions Court and numbered as Sessions Case No.76 of 2012.

4. During the pendency of the trial, parties have settled their dispute amicably and in pursuant of the terms, dated 23.02.2015 arrived at between them, the complainant herself has approached this Court for quashing the subject Sessions Case. The petitioner-original complainant is personally present before the Court. On specific query made by us, she submitted that she has no objection for quashing the subject Sessions Case and consequential criminal

proceedings.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of the complaint, it would reveal that the dispute between the parties is purely a matrimonial dispute. In that view of the matter, we find that in the interest of justice, the criminal proceedings are required to be quashed.

6. The Apex Court in *B. S. Joshi vs. State of Haryana reported [AIR 2003 SC 1386]* has held that in the event of settlement of matrimonial dispute, the FIR under Section 498-A can be quashed, even though, the said offence is not compoundable in terms of Section 320 of the Cr.P.C. The relevant observations of the Apex Court are contained in Paras 14 and 15 which are reproduced herein below:

“14. There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punishing a husband and his

relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. The hyper-technical view would be counter productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XXA of Indian Penal Code.

15. In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code.”

7. Accordingly, the Writ Petition is made absolute in terms of prayer clause (A).

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)