

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION No. 94 OF 2015**

Rishi N. Vijan and and Others. ..Applicants.

Versus

State of Maharashtra & Another. ..Respondents.

Ms. Nidhi Ditiya i/b Mr. Rajeev Sawant & Associates for the Applicants.

Mr. Vishranti Navale for Respondent No. 2.

Mrs. S. V. Sonawane, learned APP for the State.

Coram : RANJIT MORE &  
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **April 22, 2015.**

P. C. :

1. This is the application under the provisions of section 482 of the Code of Criminal Procedure, 1973 for quashing the proceedings of CC No. 145/PW/2015 pending on the file of Metropolitan Magistrate, 21<sup>st</sup> Court at Bandra, Mumbai against the Applicants for the offences punishable under sections 498A, 406, 506 and 504 read with 34 of the Indian Penal Code, 1860. The said proceeding has arisen from FIR No.427 of 2014 registered at Santacruz Police Station against the Applicants at the instance of Respondent No.2.

2. The Applicant no.1 and Respondent No.2 are husband and wife and the rest of the Applicants are the family members Applicant No.1. Matrimonial disputes between the

parties gave rise to the filing of civil as well as criminal proceedings against each other and the subject matter of the present application is one of those proceedings.

3. The learned Counsel appearing for the respective parties submitted that during the pendency of trial, the parties have come together and settled their disputes amicably and in terms of the understanding arrived at between them, the Applicants have approached this Court for quashing the aforementioned criminal proceedings by consent of Respondent No.2. They submitted that as the parties have settled their disputes amicably, the above criminal proceedings may be quashed.

4. Respondent No.2 has filed an affidavit dated 22<sup>nd</sup> April 2015 wherein she has stated that in view of the settlement of disputes between herself and the Applicants, she is withdrawing all the allegations made by her against the Applicants and that she does not wish to proceed against the Applicants. In paragraph 7 of the said affidavit, she has stated that she has no objection for quashing the CC No. 145/PW/2015 pending on the file of Metropolitan Magistrate, 21<sup>st</sup> Court at Bandra, Mumbai against the Applicants for the offences punishable under sections 498A, 406, 506 and 504 read with 34 of the Indian Penal Code, 1860.

5. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the criminal proceedings in question initiated by her against the Applicants.

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 498A 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.”

Similar view has been taken by the Full Bench of this Court in Abasaheb Yadav Honmane vs. State of Maharashtra [2008(5) L.J.Soft 46].

7. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. There is no element of public law involved in the crime. The offence alleged cannot be said to have any impact on the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582], we find that no purpose would be served by keeping the criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

8. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of Narinder Singh vs. State of Punjab [2014 AIR SCW 2065] we are of the considered view that there is no impediment in quashing the criminal proceedings in question. Accordingly, application is allowed in terms of prayer clause (a).

**[SMT. ANUJA PRABHUDESSAI, J.]**

**[RANJIT MORE, J.]**