

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 553 OF 2015

Pritam Viond Champanerkar and Others. ..Petitioners.

Versus

State of Maharashtra & Others. ..Respondents.

Mr. Manojkumar A. Singh for the Petitioners.

Mr. K. V. Saste, learned APP for the State.

Mr. A. K. Chaturvedi for Respondent No.2.

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

Date : **March 30, 2015.**

P. C. :

1. The Petitioners have invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, seeking to quash the proceedings of Case No.845/PW/2014 pending on the file of Metropolitan Magistrate, 65th Court, Andheri. The said case has arisen from FIR No.322 of 2013 registered at Oshiwara Police Station against the Petitioners at the instance of Respondent No.2 for the offence punishable under sections. 498A, 406 and 420 read with 34 of the Indian Penal Code, 1860.

2. Petitioner No.1 and Respondent No.2 are husband and wife, whereas rest of the Petitioners are the family members of Petitioner No.1. Matrimonial disputes arose between the

parties and couple could not make it to happy married life, which led to filing of civil as well as criminal proceedings by the parties against each other. The above mentioned criminal case is one of those proceedings.

3. The learned Counsel appearing for the respective parties submitted that during the pendency of above criminal proceedings, the parties settled their disputes amicably and in pursuance of the understanding arrived at between the parties, the Petitioners have filed present petition for quashing the aforesaid criminal proceedings. They made a joint request for allowing the petition.

4. In the present petition, Respondent No.2 has filed an affidavit dated 30th March 2015. In paragraph 9 of the said affidavit, she has no objection for quashing the proceedings of the criminal case against the Petitioners.

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 Petitioners for the offence punishable under sections 498A, 420 and 406 of the Indian Penal Code, 1860.

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) LJ.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. Accordingly, petition is made absolute in terms of prayer clause (a).

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]