

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

CRIMINAL APPLICATION NO. 144 OF 2015

Nadeem Nisar Punjabi & Ors. .. Applicants

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. H.S. Anand for the applicants
Mr. Moin Khan for respondent no.3
Mr. K.V. Saste, APP for respondent State

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED: 16th JUNE, 2015.**

P.C.

1. This application is filed under the provisions of Section 482 of the Cr.P.C. for quashing the proceedings of FIR No.363 of 2014 registered with Khar Police Station, Mumbai at the instance of respondent no.3 for the offence punishable under Sections 498A, 406 r/w 34 of the IPC.

2. The applicant no.1 and respondent no.3 are husband and wife. Rest of the applicants are family members of the applicant

no.1. Matrimonial dispute between the parties led to the filing of the subject FIR.

3. Pending the investigation, parties have settled their dispute amicably and in pursuance to the said understanding, they have entered into the terms of settlement before the mediator. Pursuant to the said terms of settlement, they have settled their dispute and living together. In these circumstances, parties have filed the present application for quashing of the FIR and other consequential criminal proceedings, by consent. The respondent no.3 has filed affidavit dated 16th June, 2015. In paragraph 3, she has given no objection for quashing the said FIR. Respondent no.3 is personally present in the Court. On specific query made by us, she submitted that she has no objection for quashing the FIR and consequential criminal proceedings.

4. 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.

5. 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.”

6. Accordingly, the Criminal Application is allowed in terms of prayer clause (a). The FIR No.363 of 2014 registered by the Khar Police Station, Mumbai against the aforesaid applicants is quashed and set aside.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)