

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

CRIMINAL APPLICATION NO. 161 OF 2015

Mr.Afsar Ali Murad Ali

..Applicant

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Khan Siraj Ahmed Usman Ali, for the Applicant.

Mr.Babita Pandey for the Respondent No.2.

Mr.K.V.Saste, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : MARCH 04, 2015.**

P.C.

1. The present application is filed under the provisions of section 482 of the Code of Criminal Procedure, 1973, for quashing the proceeding of FIR being C.R.No. 472 of 2014 registered at Saki Naka Police Station against the applicant at the instance of respondent no.2 for the offence punishable under Section 498A, 406, 324, 323, r/w.34 of IPC, The respondent no.2 also sought quashing of the proceeding bearing no. 1110/Misc/2014 pending before the JMFC, Vasai, Thane. Said proceedings are filed by the respondent no.2 against the petitioner under

Section 12 of the Domestic Violence Act.

2. The petitioner and the respondent No.2 married on 10.11.2009. The matrimonial dispute between them gave rise to filing of civil as well criminal proceeding. During pendency of the said proceeding the parties settled their dispute amicably and in pursuance of the understanding arrived between them the parties filed affidavit dated 3.3.2015. In paragraph 3 of the said affidavit, she has given no objection for quashing of both the proceedings referred to above against the accused, including the applicant.

3. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said statement in the 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 Petitioner for the offence punishable under sections 498A, 406, 324, 323, r/w, 34 IPC. as well as Application 12 of the Domestic Violence Act, 2005 vide No.1110/Misc/2014.

4. 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.PC.

5. 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].

6. 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. 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.

7. 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.

8. Accordingly, application is allowed in terms of prayer clause (a).

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)