

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 748 OF 2015

Mr. Bharat Madan Solanke & Ors. ..Petitioners

v/s.

Mrs. Gweetanjali Bharat Solanke & Ors. ..Respondents

Mr.Sudam Kale for the Petitioner.

Mr.Omkar Nagwekar for the Respondent No.1.

Mrs. M.M., APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : MARCH 26, 2015.**

P.C.

1. The petitioners have approached this Court invoking the jurisdiction under Article 226 of the Constitution of India, 1950 r/w. the provisions of Section 482 of Cr.PC. to quash and set aside R.C.C.No. 731 of 2005 pending before the learned Judicial Magistrate First Class, Room NO.1, Nashik for the offence punishable under Section 498A, 323, 309, 380, 406r/w. 34 of IPC.

2. The said case arises out of registration of FIR No. 204 of 2005

registered at Panchavati Police Station, Nashik, at the instance of the respondent no.2.

3. The petitioner no.1 and the respondent no.1 are husband and wife. Rest of the petitioners are the family members of the petitioner no.1. The matrimonial dispute between the petitioner no.1 and the respondent gave rise to filing of the criminal proceedings.

4. During pendency of trial, parties have settled their dispute amicably and in pursuance of the understanding arrived between them, filed the present petition for quashing RCC No.731 of 2005 by consent. Learned Counsel for the parties are residing together since 2005.

5. The respondent no.1 has filed affidavit dated 29.1.2015. In para 3 she has given no objection for quashing the impugned proceeding.

6. Respondent No.1 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 she is residing with the

petitioner since 2005 and 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, 323, 309, 380, 406 r/w. 34 of Indian Penal Code, 1860.

7. 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.

8. 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].

9. 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.

10. 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.

11. Accordingly, petition is allowed in terms of prayer clause (b).

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)