

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 190 OF 2015

Vaibhav Subhash Bhangare. ..Applicant.

Versus

State of Maharashtra. ..Respondent.

Mr. Amey R. Deshmukh for the Applicant.
Mrs. S. V. sonawane, learned APP for the State.
Mrs. Amit Gharte for Respondent No.2.

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

Date : **March 10, 2015.**

P. C. :

1. By this application, the Applicant has invoked the jurisdiction of this Court under section 482 of the Code of Criminal Procedure, 1973 seeking to quash the proceedings of FIR – C.R.No. I-81/2014 registered with Jawhar Police Station for the offence punishable under section 306, 323 and 498A of the Indian Penal Code, 1860. The said FIR is registered against the Applicant at the instance of Respondent No.2, father of the deceased Vaibhavi @ Sankshati.

2. The learned Counsel appearing for the respective parties submitted that while the investigation was in progress, parties settled their disputes and in terms of understanding arrived at between them, the Applicant has filed present application for quashing the said FIR, by consent of the Complainant, who is Respondent No.2 herein.

3. Respondent No.2 has filed an affidavit dated 4th March 2015. In the said affidavit, he has stated that he has no grievance against the Applicant and has no objection for allowing the captioned application and quashing the FIR in question.

4. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has been explained the contents of the affidavit in vernacular and the same is drawn as per his instructions. We further confirmed with him that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the FIR in question lodged by him against the Applicant for the offence punishable under sections 306, 323 and of the Indian Penal Code, 1860.

5. learned APP for the State tendered for our perusal the investigation papers pertaining to the aforesaid FIR. Perusal of the same discloses that the incident occurred on 12th October 2014. the dying declaration was recorded on 12th October 2014. In the said dying declaration as well as the statement recorded by the Executive Magistrate deceased Vaibhavi @ Sankashti has stated that she sustained burn injuries due to explosion of kerosene stove.

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 case. The offence alleged cannot be said to have any impact on the society. Considering the material placed on record and after perusal of investigation papers and in view of the amicable settlement of dispute, we are of the view that chances of conviction in the case are bleak and remote. 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.

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

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]