

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

CRIMINAL WRIT PETITION NO. 868 OF 2015

Yash Anil Patel

..Petitioner

v/s.

The State of Maharashtra & Ors.

..Respondents

Mrs. Bina R. Pai for the Petitioner.

Mr.J.P.Yagnik, APP for the Respondent/State.

Mr. Mohd. Shine i/b. MZM Legal for the Respondent No.2

Mr.N.N.Thakkar for the Respondent Nos. 3 to 6.

CORAM : RANJIT MORE &

SMT. ANUJA PRABHUDESSAI,JJ.

DATED : MARCH 19, 2015.

P.C.

1. Heard. This petition is filed under Article 226 of the Constitution of India, 1950 r/w. the provisions of Section 482 of Cr.PC for quashing FIR no. 63 of 2014 registered with Malabar Hill Police Station against the petitioner and the respondent nos. 3 to 6, at the instance of respondent no.2 for the offences punishable under Section 498, 406 r/w. 34 of the Indian Penal Code. The respondent

no.2 is the wife of petitioner no.1. The respondent nos.3 to 6 are the family members of petitioner no.1.

2. The matrimonial dispute between the parties led to filing of the subject FIR. Meanwhile the parties settled their dispute amicably, and in pursuance to the understanding arrived between them, parties have approached this court for quashing the proceeding of the said FIR by consent.

3. The respondent no.2 has filed an affidavit dated 10th March, 2015. In para 5 of the said affidavit she has given no objection for quashing the proceeding of the subject FIR. The respondent no.2 is personally present in 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 proceeding proceeding initiated by her against the petitioner for the offence punishable under Section 498A, 406 r/w. 34 IPC.

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.P.C.

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, petition is allowed in terms of prayer clause (a).

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)