

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

CRIMINAL APPLICATION NO. 258 OF 2013

Rajendra Kumar Birendra Mishra & Ors. ..Applicants

v/s.

Anupama Rajendra Mishra & Anr. ..Respondents

Mr. Subhash Jha i/b. Law Global for the Applicant.

Mr.S.V.Kotwal i/b. M.S.Mohite for the Respondent No.1.

Mrs. U.V.Kejriwal, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : APRIL 13, 2015.**

P.C.

1. The present application is filed invoking the provisions of section 482 of the Code of Criminal Procedure, 1973, to quash and set aside the proceeding of R.C.C.No. 945 of 2008 pending on the file of Ld. JMFC, CBD Belapur, Navi Mumbai. The said case arises out of registration of FIR No. I-246 of 2008 registered at Vashi Police Station at the instance of respondent no.1 for the offences punishable under Section 498A, 506(ii), 504, 406, 323 r/w. 34 of the I.P.C. r/w. Section 3 and 4 of the Dowry Prohibition Act.

2. During pendency of the trial the parties settled their disputes amicably and approached this Court for quashing the proceeding of the said criminal case by consent. Respondent No.1 has filed an affidavit dated 24.3.2015. In paragraph 6 of the said affidavit, she has given her consent for quashing the proceedings of the said R.C.C. Case No. 945 of 2008 pending on the file of JMFC, CBD, Belapur.

3. Respondent No..1 has also given authority to her lawyer to give no objection for quashing the proceeding as she is unable to attend the court due to her health problem.

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.)