

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

CRIMINAL WRIT PETITION NO.1363 OF 2015

Prashant Laxman Pote & Ors.

.. Petitioners

v/s.

Mrs. Harshada Prashant Pote & Anr.

..Respondents

Mr. K.H. Hase for the petitioners

Mrs. U.V. Kejriwal, APP for the respondent State

Mrs. Harshada Pote, respondent no.1 present in Court

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 15th APRIL, 2015.

P.C.

1. This petition is filed under Article 226 of the Constitution of India under the provisions of Section 482 of the Cr.P.C. for quashing and setting aside the proceedings of Criminal Complaint bearing No.452/PW/2014, pending on the file of learned Metropolitan Magistrate, 52nd Court, Kurla, Mumbai. The said case is arises out of registration of FIR No.10 of 2013 registered with R.C.F. Police Station, Chembur, Mumbai at the instance of respondent no.1 for the offence punishable under Sections 498-A,

504, 506 r/w 34 of the IPC.

2. The petitioner no.1 and the respondent no.1 are the husband and wife. Rest of the petitioners are the family members of petitioner no.1. Matrimonial dispute between the parties gave rise to the filing of the said FIR. After completion of the investigation, charge-sheet came to be filed which is number as C.C. No.452/PW/2014.

3. During the pendency of the trial, parties have settled their dispute amicably and in pursuance of the understanding arrived at between them, they have filed the present petition for quashing and setting aside the proceedings of C.C. No.452/PW/2014. Respondent no.1 has filed an affidavit dated 15th April, 2015. In para 10, she has given no objection for quashing the aforesaid criminal proceedings. Respondent no.1 is personally present in the Court. On specific query made by us, she submitted that she has no objection for quashing the FIR and consequential criminal

proceedings.

4. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of the complaint, it would reveal that the dispute between the parties is purely a matrimonial dispute. In that view of the matter, we find that in the interest of justice, the criminal proceedings are required to be quashed.

5. 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 498-A 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.”

6. Accordingly, the Criminal Application is allowed in terms of prayer clause (a). The Criminal Complaint No.452/PW/2014 pending before the Metropolitan Magistrate, 52nd Court, Kurla, Mumbai against the aforesaid petitioners is quashed and set aside.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)