

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

CRIMINAL APPLICATION NO. 346 OF 2015

Aditya Pankaj Shah & Ors. .. Applicants

v/s.

The State of Maharashtra & Anr. ..Respondents

Mr. Kushal Mor for the applicants
Mr. A.M. Chimalkar for respondent no.2
Mrs. M.H. Mhatre, APP for the respondent State

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

DATED: 15th APRIL, 2015.

P.C.

1. This application is filed under the provisions of Section 482 of the Cr.P.C. for quashing the proceedings of C.R. No.145 of 2014, registered with Gamdevi Police Station, Mumbai. The said C.R. is registered against the applicants at the instance of respondent no.2 for the offence punishable under Sections 498-A, 406 r/w 34 of the IPC.

2. The applicant no1. and respondent no.2 are husband and

wife. Rest of the applicants are family members of applicant no.1. Matrimonial dispute between the parties gave rise to the filing of the present FIR.

3. During the investigation, parties have settled their dispute amicably and in pursuance of the understanding arrived at between them, they have filed the present application for quashing the aforesaid C.R., by consent. Respondent no.2 has filed an affidavit dated 15th April, 2015. In para 5 of the said affidavit, she has given no objection for quashing and setting aside the C.R. No. 145 of 2014 registered with Gamdevi Police Station, Mumbai. Respondent no.2 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 FIR No.145 of 2014 registered by the Gamdevi Police Station, Mumbai against the aforesaid applicants is quashed and set aside.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)