

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

CRIMINAL WRIT PETITION NO. 1539 OF 2015

Akash Pradeep Khasgiwala & Ors.

..Petitioners

v/s.

The State of Maharashtra & Anr.

..Respondents

Ms.K.H.Rajani i/b. Jaideep Thakkar for the Petitioner.

Mr.R.B.Chorge for the Respondent No.2.

Mrs. P.H.Kantharia, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : APRIL 17, 2015.**

P.C.

1. Heard.
2. The present petition is filed under Article 226 of the Constitution of India, 1950 r/w. the provisions of 482 of the Code of Criminal Procedure, 1973, to quash and set aside the proceeding of FIR No. I-292 of 2014, registered with Kapurbavdi Police Station. The said FIR is registered at the instance of the respondent no.2 for the offence punishable under Section 498A, 420, 406 r/w. 34 of the Indian Penal Code.
3. The petitioner no.1 and the respondent no.2 are husband and wife .

Rest of the petitioners are family members of the petitioner no.1. The matrimonial disputes between the parties gave rise to filing of the FIR against the petitioners.

4. Pending investigation, parties settled their disputes amicably and in pursuance of the said understanding have approached this court by filing the present petition.

5. Respondent No.2 has filed an affidavit dated 12th April, 2015. In paragraph 4 of the said affidavit, she has stated that she has no objection for quashing the FIR No. I-292 of 2014 and look out call notice, if any. She has solemnly affirmed that she is withdrawing all the allegations made against the Petitioners in the said FIR and that she has no objection for quashing the proceedings of the said FIR.

6. Respondent No. 2 is personally present before 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 proceedings in question initiated by her against the

Petitioner for the offence punishable under sections 498A, 420, 406 r/w. 34 of the Indian Penal Code, 1860.

7. 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.

8. 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].

9. 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.

10. 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.

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

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)