

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

CRIMINAL WRIT PETITION NO. 1634 OF 2015

Abdullah Abdul Razzak Memon & Ors. .. Petitioners

v/s.

The State of Maharashtra & Anr. ..Respondents

Mr. Ganesh Bhujbal for the petitioners
Mr. A.N. Gosavi for respondent no.2
Mrs. M.H. Mhatre, APP for the respondent State

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

DATED: 21st APRIL, 2015.

P.C.

1. Heard. 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 the criminal proceedings of C.R.No. 115 of 2014 registered on 30.07.2014 with Dongri Police Station, Mumbai against the petitioners at the instance of respondent no.2 for the offence punishable under Sections 498A, 402 and 504 of the IPC.

2. The petitioner no.1 and respondent no.2 got married on 12.06.2009. The petitioner nos. 2 to 6 are family members of petitioner no.1. Matrimonial dispute between the parties gave rise to filing of the subject F.I.R. being C.R.No. 115 of 2014 registered with Dongri Police Station, Mumbai.

3. During the pendency of the investigation, parties have settled their dispute amicably and in pursuance of the understandings arrived at between them, they have filed the present writ petition for quashing the criminal proceedings of said C.R., by consent. Respondent no.2 has filed an affidavit dated 21st April, 2015. In paragraphs 3 and 4, she has stated that she do not wish to pursue the said C.R. as the matter is already settled between them and she has no objection to quash the proceedings of C.R. No.115 of 20014. 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 Writ Petition is made absolute in terms of prayer clause (A). The C.R. No.115 of 2014 registered by the Dongri Police Station, Mumbai against the aforesaid petitioners is quashed and set aside.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)