

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

CRIMINAL APPLICATION NO. 393 OF 2015

Shivrani @ Vaishnavi Yogesh Jamkar .. Applicant

v/s.

The State of Maharashtra & Ors. ..Respondent

Ms. Zehra Charania i/b Mallika A. Ingale for the applicant
Mr. Prashant M. Patil for the respondent nos.2 to 4
Mr. J.P. Yagnik, APP for respondent State

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED: 25th JUNE, 2015.**

P.C.

1. At the request of learned Counsel for the respondent nos. 2 to 4, the application is kept back. Time to deposit the amount as per the order dated 17th June, 2015, is extended till today.

2. The complainant herself has approached this Court by filing the present application under Section 482 of the Cr.P.C. for quashing of FIR No.397 of 2015 registered by the Samta nagar Police Station, against the respondent nos. 2 to 4 for the offence

punishable under Sections 498(a), 406, 506(2) r/w 34 of the IPC.

3. The applicant and respondent no.2 got married on 26.05.2014. Due to the matrimonial dispute between the parties, the applicant lodged FIR No.397 of 2014 against respondent nos. 2 to 4.

4. Pending investigation, the parties have settled their dispute amicably and in pursuance of the understanding arrived at between them, the applicant has approached this Court for quashing of the proceedings of the said FIR.

5. In terms of the settlement arrived at between the parties, the respondent no.2 is agreed to pay to the applicant an amount of Rs.6,25,000/- and the said amount was deposited with the private mediator. In order to safeguard the interest of the applicant, by order dated 29th April, 2015 we directed the respondents to withdraw the said amount from the mediator and deposit the same in this Court. As per the directions, the respondents have

deposited the said amount in this Court today. Registry is directed to pay the said amount to the applicant upon an application filed by the applicant .

6. The applicant is personally present in the Court. On specific query made by us, she stated that she has gone through the application and understood the contents therein. She further states that the dispute between the parties is settled and she has no objection for quashing the FIR and consequential criminal proceedings.

7. 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.

8. 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.”

9. Accordingly, the Criminal Application is allowed in terms of prayer clause (i). The FIR No.397 of 2014 registered by the Samta Nagar Police Station against the aforesaid respondents is quashed and set aside.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)