

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.411 OF 2015**

Mr. Nikhil Surendra Vaid & Anr.

..Applicants.

Versus

State of Maharashtra & Anr.

..Respondents.

Ms. Shilpa A. Joshi, advocate for applicants.

Mr. Rakesh H. Pathak, advocate for respondent no.2.

Mrs. M.H.Mhatre, APP for State.

Coram : RANJIT MORE &  
V. L. ACHLIYA, JJ.

Date : **28<sup>th</sup> AUGUST, 2015.**

P. C. :

This application is filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing and setting aside the proceedings of the Criminal Case No.2392/PW/2008 pending on the file of 10<sup>th</sup> Court, Andheri, Bombay. The said case arises out of the registration of the F.I.R bearing C.R.No.218 of 2008 with D.N. Nagar police station , Bombay at the instance of respondent no.2 for the offences punishable under Section 498A of the Indian Penal Code, 1860.

2                      Petitioner No.1 and respondent no.2 were married on

21.11.2007. Petitioner no.2 is the mother of petitioner no.1. Matrimonial disputes between the parties gave rise to filing civil as well as criminal proceedings. Subject proceeding is one of them.

3 Pending trial parties have settled their disputes amicably and have approached this Court for quashing the subject proceedings by consent. Respondent no.2 has filed affidavit dated 28.4.2015. In paragraph 4, she has stated that she has received an amount of Rs.5 lakhs from the first petitioner towards permanent alimony. She has also stated that Family Court has passed decree of divorce by mutual consent on 25.3.2015. In paragraph 5, she has stated that she has no grievance against the first petitioner in view of the amicable settlement of disputes between them and she did not have desire to litigate any more and she wants to put an end to the criminal proceedings initiated by her. Respondent no.2 is personally present before the Court. On specific query, she states that she has no objection to quash the subject proceedings.

4 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. 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.”

5 Similar view has been taken by the Full Bench of this Court in Abasaheb Yadav Honmane vs. State of Maharashtra [2008(5) L.J.Soft 46].

6 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. The offence alleged cannot be said to have any impact on the society. 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 subject criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

7                    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 subject criminal proceedings .

8                    Application is, accordingly, allowed in terms of prayer clause ( a ).

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]