

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1855 OF 2015

Bhravim Dhansukh Shah @ Malkan & Ors. .. Petitioners

V/S.

The State of Maharashtra & Anr. ..Respondents

Mr. Ajit A. Singh for the petitioners
Mrs. M.H. Mhatre, APP for the respondent State
Ms. Isha C. Gadi for respondent no.2

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

DATED: 6th MAY, 2015.

P.C.

1. 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 proceedings of FIR No.I-60 of 2015 registered with Kashi Mira Police Station at the instance of respondent no.2 for the offence punishable under Section 498-A r/w 34 of the IPC.
2. The petitioner no.1 and respondent no.2 are husband and wife. Matrimonial dispute between the parties led to the filing of

the subject FIR. However, during investigation, parties have settled their dispute amicably and in pursuance of the said understanding, they have filed the present petition for quashing the said C.R., by consent. Respondent no.2 has filed an affidavit dated 6th May, 2015. In paragraph 4, she has stated that dispute between them is amicably settled and she has no objection to quash the proceedings of the said FIR. 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.

3. 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.

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 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.”

5. Accordingly, the Writ Petition is made absolute in terms of prayer clause allowed in terms of prayer clause (a). The FIR No. I-60 of 2015 registered by the Kashi Mira Police Station, Mumbai is quashed and set aside.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)