

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

CRIMINAL APPLICATION NO. 535 OF 2015

Ibrahim Suleman Khan & Ors. .. Applicants

v/s.

Mrs. Farzana Mohd. Ibrahim Khan & Anr. ..Respondents

Mr. S.R. Gaud i/b M.D. Sapkale for the applicants

Ms. Yasmin Shaikh for respondent no.1

Mrs. P.H. Kantharia, APP for respondent State

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED: 30th JUNE, 2015.**

P.C.

1. Heard.

2. This application is filed under the provisions of Section 482 of the Cr.P.C. for quashing and setting aside the proceedings of C.R. No.163 of 2015, registered with Nagpada Police Station, Mumbai at the instance of respondent no.1 for the offence punishable under Sections 498A, 323, 504, 354, 406, 420, 509 r/w 34 of the IPC.

3. The applicant no.1 was married to respondent no.1 on 18.05.2014. The applicant nos. 2 to 7 are the family members of applicant no.1. Matrimonial dispute between the parties give rise to the filing of the subject C.R.

4. Pending the trial, parties have settled their dispute amicably and approached this Court for quashing the subject C.R., by consent. The respondent no.1 has filed affidavit in the Registry, copy of which is tendered before us. In paragraph 7, she has given no objection to quash and set aside the proceedings of the subject C.R. The respondent no.1 is personally present in the Court. On specific query made by us, she submitted that she has no objection for quashing the C.R. and consequential criminal proceedings.

5. 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.

6. 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 498-A 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.”

7. Accordingly, the Criminal Application is allowed in terms of prayer clause (b). The C.R. No.163 of 2015 registered by the Nagpada Police Station, Mumbai against the aforesaid applicants is quashed and set aside.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)