

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 562 OF 2015

Suresh Tanna. ..Applicant.
Versus
State of Maharashtra. ..Respondent.

Mr. Vishal Gupta i/b A. R. Pandey for the Applicant.
Mr. K. V. Saste, learned APP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
Date : **June 24, 2015.**

P. C. :

1. Heard the learned Counsel appearing for the Applicant and the learned APP for the State. The first informant has approached this Court under the provisions of section 482 of the Code of Criminal Procedure, 1973, seeking to quash the FIR bearing No.429 of 2013 registered with Juhu Police Station for the offence punishable under section 498A, 406, 465, 467, 471, 506II read with 34 of the Indian Penal Code, 1860.

2. The Applicant who is father of the aggrieved girl Pooja Tanna filed the said FIR on the basis of power of attorney. The said FIR was investigated and the Investigating Officer had filed the "C"-Summary Report before the learned Chief Metropolitan Magistrate, 10th Court at Andheri. The Applicant is present in the Court. The Applicant has filed affidavit dated 23rd June 2015. In paragraph 4, he has stated that he has no objection

if the FIR lodged by him bearing CR/FIR No.429 of 2013 registered with Juhu Police Station is quashed. The victim i.e., daughter of the first informant has filed an affidavit before the learned Chief Metropolitan Magistrate, 10th Court, at Andheri, copy of which is at Exhibit-L to the petition. In paragraph 8 thereof, she also has given no objection for accepting "C-Summary" report filed by the police in the said CR. The affidavit reveals that the victim Pooja Tanna is not interested in prosecuting the present CR/ FIR.

3. 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.”

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

4. It can, thus, be seen that the victim is not interested in prosecuting the case. 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 criminal proceedings pending except burdening the Criminal Courts which are already overburdened.

5. 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 FIR in question. Accordingly, application is allowed in terms of prayer clause (c).

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]