

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

CRIMINAL WRIT PETITION NO. 2451 OF 2014

Vinod Yashwant Pamnani & Ors. .. Petitioners

v/s.

State of Maharashtra & Anr. ..Respondents

Ms. Aneeta K. Katariya for the petitioners
Ms. Meenakshi Sakhare for respondent no.3
Mrs. M.H. Mhatre, APP for respondent State

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

DATED: 30th JULY, 2015.

Not on board. Upon mentioning, taken on production board.

P.C.

1. Heard learned Counsel for the respective parties and learned APP for the State.

2. This petition is filed for quashing of the FIR bearing C.R. No.195 of 2014 registered with Chaturshrungi Police Station, Pune at the instance of respondent no.3 for the offence punishable

under Section 498-A, 406 r/w 34 of the IPC.

3. The petitioner no.1 married to respondent no.2 on 02.02.2014. Rest of the petitioners are family members of petitioner no.1. The matrimonial dispute between the parties laid to filing of the several criminal as well as civil cases against each other and the subject matter of the present petition is one of them.

4. Pending investigation, parties have settled their dispute amicably. The parties have also tendered compromise terms. The compromise terms are signed by the petitioner no.1 as well as respondent no.3. In terms of clause 4(a), the respondent no.3 to give consent for quashing of the subject FIR. The respondent no.3 is personally present in the Court. On specific query made by us, she has submitted that she has no objection if the subject C.R. is quashed.

5. 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.”

6. Accordingly, the Writ Petition is made absolute in terms of

prayer clause (b). The C.R. No.195 of 2014 registered by Chaturshrungi Police Station, Mumbai against the aforesaid petitioners is quashed and set aside.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)