

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

CRIMINAL WRIT PETITION NO. 2590 OF 2014

Mrs. Jyoti Vinod Premnani & Ors.

..Petitioners

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. V.B.Shivarkar for the Petitioner.

Mrs. M.M.Deshmukh, APP for the Respondent/State.

Mr.Ulhas More for the Respondent no.2

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : FEBRUARY 26, 2015.**

P.C.

1. The petition is filed under the provisions of Section 226 of the Constitution of India, 1950 r/w. the provisions of Section 482 of Cr.P.C. to quash the proceedings of C.R.No. 1 63 of 2014, registered with the Mahatma Phule Police Station, Kalyan. The said C.R. is filed against the petitioner at the instance of the respondent no.2 for the offence punishable under Section 498A, 406 r/w. 34 of IPC.

2. The petitioner no.3 and the respondent no.2 got married on

24.1.2013. The matrimonial dispute between the parties gave rise to filing of civil as well as criminal cases. The subject matter of the present petition is one of them.

3. During the investigation parties settled their dispute, and pursuant to the understanding arrived between them, the present petition is filed for quashing and setting aside FIR vide C.R.No.163 of 2014. The respondent no.2 has filed affidavit dated 26.2.2012. In para 5 and 6 of the said affidavit she has given her no objection for quashing and setting aside the proceeding of FIR dated 27.1.2014 vide C.R.No.I 63 of of 2014.

4. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said statement in the affidavit on her own free will, without there being any pressure or undue influence. She has further confirmed that she has no objection for quashing the criminal proceedings in question initiated by her against the Petitioner for the offence punishable under sections 498A, 406 r/w. 34 of IPC.

5. The petitioner no.3 has also filed private complaint no.256 of 2013

against the respondent no.2 before the learned JMFC at Ahmedabad. The complaint subsequently resulted in registration of M. Case No.1/2014 before the Khokara Police Station, Ahmedbad, Gujrat, for the offence under section 420, 411, 494, 506(2), 232, 294(b) and 114 of IPC. The petitioner no.3 is personally present in the court. The petitioner no.3 through his counsel gives undertaking to this court that he will co-operate and give no objection for quashing of this case in the application which is already filed by the respondent no.2 and pending before the Gujrat High Court. Statement accepted.

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 498A can be quashed, even though, the said offence is not compoundable in terms of Section 320 of the Cr.PC.

7. Similar view has been taken by the Full Bench of this Court in Abasaheb Yadav Honmane vs. State of Maharashtra [2008(5) LJ.Soft. 461].

8. 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. 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.

9. 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 criminal proceedings.

10. Accordingly, petition is allowed in terms of prayer clause (a).

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)