

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

CRIMINAL WRIT PETITION NO. 2693 OF 2015

Natwarlal Shantilal Kothari & Ors. .. Petitioners
v/s.
State of Maharashtra & Anr. ..Respondents

Mr. Ashish Mehta a/w Trishla Yelve i/b Ashish Mehta for the
petitioners
Mr. Prakash Mishra a/w Nikhil Mallelwar for respondent no.2
Mrs. M.M. Deshmukh, APP for respondent State

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED: 15th JULY, 2015.**

P.C.

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

2. This petition is filed under Article 226 of the Constitution of
India for quashing of the Criminal Case No.586/PW/15, pending
on the learned Metropolitan Magistrate, 62nd Court, Dadar,
Mumbai. The said case arises out of registration of F.I.R. No.189
of 2014 at Mahila Police Station, Bhavnagar, Gujarat under
Sections 498A, 323, 406, 420, 504, 506(2) of the IPC and Sections

3 and 7 of the Dowry Prohibition Act, 1961. This C.R. was subsequently transferred to Worli Police Station and after completion of investigation, charge-sheet is filed in the Metropolitan Magistrate, 62nd Court at Dadar, Mumbai.

3. The petitioner no.5 is the husband of respondent no.2. The rest of the petitioners are family members of petitioner no.5. The matrimonial dispute between the parties give rise to filing of the several cases, including the subject FIR.

4. The parties to the petition however, settled their dispute amicably and have approached this Court for quashing the proceedings of the subject criminal case, by consent. The respondent no.2 has filed an affidavit dated 6th July, 2015. In paragraph 4, she has given no objection to quash the criminal case. The respondent no.2 is personally present before the Court. On specific query made by us, she states that she has no objection to quash the said criminal case. She further states that subsequent

to the filing of the petition, she has filed a complaint dated 26.05.2014 under the Information and Technology Act, before Senior Inspector of Police, A Division, Bhavnagar, Gujarat against some of the petitioners and by letter dated 13.07.2015, requested the said police station not to proceed with the complaint in view of the settlement arrived at between the parties. Statement is accepted.

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 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.”

7. Accordingly, the Writ Petition is made absolute in terms of prayer clause (b).

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)