

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

CRIMINAL WRIT PETITION NO. 2749 OF 2015

Mohan Subhash Gupta & Ors.

.. Petitioners

v/s.

State of Maharashtra & Ors.

..Respondents

Mr. O.R. Tiwari for the petitioners

Mr. Y.S. Bhate for the respondent nos. 2 to 4

Mrs. M.M. Deshmukh, APP for respondent State

CORAM: RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED: 30th JULY, 2015.

P.C.

1. The petitioner no.1 and respondent no.2 have settled their matrimonial dispute amicably and have filed consent terms in Family Court Appeal Nos. 79 of 2015 and 80 of 2015. Those Family Court's Appeals are disposed of by passing separate orders today in terms of the consent terms dated 30th July, 2015. In paragraph 15 of the consent terms, the respondent no.2 has undertaken to withdraw the subject criminal case filed against the petitioners. The respondent no.2 is personally present in the

Court. On specific query made by us, she submitted that she has no objection for quashing the FIR and consequential criminal proceedings.

2. 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.

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 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.”

4. Accordingly, the Writ Petition is made absolute in terms of prayer clause (a). The C.R. No.197 of 2006 registered by Santacruz Police Station, Mumbai against the aforesaid petitioners being C.C. No.1051/PW/2006 is quashed and set aside.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)