

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

CRIMINAL WRIT PETITION NO.3982 OF 2014

Alok Kishankant Mishra & Ors.

.. Petitioners

v/s.

The State of Maharashtra & Ors.

..Respondents

Mr. A.R. Pande for the petitioners

Mr. Deven Gopani for respondent no.2

Mr. S.K. Shinde, PP a/w Mr. K.V. Saste, APP for the respondent
State

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

DATED: 25th MARCH, 2015.

P.C.

1. The petitioners have approached this Court invoking the jurisdiction of this Court under Article 226 of the Constitution of India under the provision of Section 482 of the Cr.P.C. to quash the proceedings of the FIR No.120 of 2004, registered with Dadar Police Station, Mumbai against the petitioners at the instance of respondent no.2 for the offence punishable under Sections 498A, 294, 506 r/w 34 of the IPC and Sections 3 and 4 of the Dowry

Prohibition Act.

2. The petitioner no1. and respondent no.2 are husband and wife. Rest of the petitioners are family members of the petitioner no.1. Matrimonial dispute between the parties led to the filing of the civil as well as criminal proceedings against each other. The subject matter of the present petition is one of them. Meanwhile, parties have settled their dispute amicably and in pursuance of the understandings arrived at between them, they have filed the present petition for quashing the criminal proceedings of the said FIR, by consent.

3. Respondent no.2 has filed consent terms between petitioner no.1 and herself as well as affidavit dated 25.03.2015. In paragraph no.5 of the consent terms and the affidavit, respondent no.2 has given no objection for quashing of the said FIR.

4. 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.

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 criminal proceedings being FIR No.120 of 2014 registered with Dadar Police Station, Mumbai under Sections 498A, 294, 506 r/w 34 of the IPC is quashed and set aside.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)