

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4045 OF 2014

Pramod Kumar Matadian Tekriwal ..Petitioners

v/s.

Mrs. Alpana Pramod Tekriwal & Ors ..Respondents

Mr. A.H.Fatangare for the Petitioner.

Mr.P.D. Jadhav for the Respondent No.1.

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

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

P.C.

1. The petitioners have approached this court invoking the jurisdiction under Article 226 of the Constitution of India, 1950 r/w. the provisions of section 482 of the Code of Criminal Procedure,1973 to quash and set aside the proceeding of RCC No.639 of 2014 pending on the file of the Judicial Magistrate, First Class, 7th Court at Nashik. The said case arises out of FIR No.I-81 of 2013 registered with Gangapur Police Station, at the instance of the respondent no.2 for the offences punishable under Section

498A, 323, 504, 506 r/w. 34 of Indian Penal Code. The petitioner no.1 and the respondent no.1 are husband and wife. Rest of the petitioners are family members of the petitioner no.1. The matrimonial dispute between the parties gave rise to filing of the criminal proceedings. The subject matter of the present petition is one of them.

2. During pendency of trial, the parties settled their dispute amicably and pursuant to the same, this petition is filed for quashing the RCC No. 639 of 2014 pending before the JMFC 7th Court, Nashik.

3. Respondent No.1 has filed an affidavit dated 20th March, 2015. In paragraph 7 of the said affidavit, she has given consent to quash and set aside the proceeding of FIR No.I-81 /2013 and RCC No. 639 of 2014 pending before the 7th JMFC Court, Nashik.

4. Respondent No. 1 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, 323, 504, 506 r/w. 34 of the Indian Penal Code.

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

6. Similar view has been taken by the Full Bench of this Court in Abasaheb Yadav Honmane vs. State of Maharashtra [2008(5) LJ.Soft. 46].

7. 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.

8. 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.

9. Accordingly, petition is allowed in terms of prayer clause (b).

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)