

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

CRIMINAL WRIT PETITION NO.4420 OF 2014

Hiren Dhiraj Vora & Ors.	).. Petitioners
Vs.	
State of Maharashtra & Anr.	).. Respondents

Mr.Amol A.Patankar for the petitioners.
Mr.J.J.Bardeskar i/by A.S.Sawant for respondent no.2.
Mr.K.V.Saste APP for the Respondent-State.

**CORAM : RANJIT MORE &
K.R.SHRIRAM, JJ.**

DATE : 5th August, 2015

P.C.

1 At the outset, the learned Advocate for the petitioners seeks leave to amend the prayer clause so as to give particulars of the criminal case. Leave granted. Necessary amendment shall be carried out forthwith.

2 Heard learned Advocate for the petitioners, learned Advocate for respondent no.2 as well as learned APP for the State.

3 Petition is filed for quashing the proceedings of the Criminal Case No.478/PW/15 pending on the file of Metropolitan Magistrate, 24th Court, Borivali, Mumbai. The said case arises out of registration of the FIR

bearing C.R.No.210 of 2014 with Malad Police Station at the instance of respondent no.2 for offences punishable under Sections 498-A, 406, 420, 323 r/w 34 of IPC.

4 The petitioner no.1 and respondent no.2 were husband and wife. Rest of the petitioners are family members of the petitioner no.1. Matrimonial disputes between the parties gave rise to the filing of criminal proceedings by the parties against one another and the subject matter of present petition is one of them. Pending trial of the subject criminal case, parties have settled their dispute amicably and seek for quashing the said case by consent.

5 Respondent no.2 has filed an affidavit dated 1.12.2014. In paragraph-4 of the said affidavit she has stated that she do not wish to proceed with the subject complaint and she has requested to quash and set aside the FIR being C.R.No.210 of 2014 dated 29.5.2014 registered with the Malad Police Station, Malad, Mumbai.

6 Respondent no.2 is personally present before the Court. On specific query made by us, she submitted that she has gone through the petition and understood the contents and she submitted that she has made the said affidavit on her own free will, without there being any

pressure or undue influence. She has also stated that she has no objection for quashing proceedings of the subject criminal case.

7 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.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.”

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].

8 Accordingly, writ petition is allowed in terms of prayer clause-(a).

(K.R. SHRIRAM, J.)

(RANJIT MORE, J)