

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5788 OF 2010**

Kishor T. Panjwani and Anr.	Applicants.
Versus	
Smt. Riya Kishor Panjwani and Anr.	...Respondents.

Mr. Manish Rai i/by A.A.Manwani, advocates for the applicants.
Mr. Santosh Arolkar i/by Satish Mishra, advocates for the respondent no.1.
Mrs. M.H.Mhatre, APP for the respondent-State.

**CORAM : RANJIT MORE AND
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : April 20, 2015**

P.C.:

This application is filed invoking provisions of Section 482 of the Cr.P.C. to quash and set aside the proceedings of the Criminal Case No.956 of 2010, pending on the file of the learned JMFC Vashi. The said case arises out of the registration of the FIR No.I-219 of 2010 by Koparkhairane police Station, New Bombay at the instance of the respondent no.1 for the offence punishable under Sections 498A, 323, 504 read with Section 34 of the IPC.

2 The applicant no.1 and the respondent no.1 are the husband and wife. Rest of the applicants are family members of the applicant no.1. Matrimonial dispute between the parties give rise to filing of civil as well as criminal case. Subject criminal case is one of them.

3 During the pendency of the trial of the said case, parties settle their disputes amicably and in pursuant of the understanding arrived at between them filed the present application for quashing the proceedings of the said criminal case. By consent respondent no.1 has filed affidavit dated 17.4.2015. In paragraph 3, she has given no objection for quashing the proceedings of the said criminal case. On 17.4.2015 when the above application was called out for orders, respondent no.1 was personally present and on specific query, she stated that she has no objection for quashing the proceedings of the said criminal case.

8. The Apex Court in **B. S. Joshi verses State of Haryana reported in AIR 2003 SC 1386** held that in the event of settlement of the matrimonial dispute, the FIR under Section 498 A can be quashed, even though, the 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 versus State of Maharashtra reported in 2008(5) LJ.Soft 46.**

5. Accordingly, the Criminal Application is allowed in terms of prayer clause (a). The FIR No.I-219 of 2010 registered by the Koparkhairne Police Station, Navi Mumbai against the aforesaid applicant being Criminal Case No.956 of 2010 is quashed and set aside.

Parties to act on an authenticated copy of this order.

(RANJIT MORE, J.)

(ANUJA PRABHUDESSAI, J.)