

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4658 OF 2014

Abhishek Sadanand Shinde.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Ms. Sheetal Thakur i/b Rajendra Anbhule for the Petitioner.

Mr. Sangramsingh R. Bhonsle for Respondent No.3.

Mrs. U. V. Kejriwal, learned APP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **March 10, 2015.**

P. C. :

1. This writ petition is under Article 226 of the Constitution of India read with the provisions of section 482 of the Code of Criminal Procedure, 1973, seeking to quash the proceedings of FIR bearing C.R.No.305 of 2012 registered with Sahakar Nagar Police Station, Pune. Said FIR is registered against the Petitioner at the instance of Respondent No.2 for the offence punishable under section 498A, 323, 504 and 506 of the Indian Penal Code, 1860.

2. The Petitioner got married to Respondent No. 3 at Pune on 27th November 2011. Disputes arose between the couple and they could not lead happy marital life. Parties took out civil as well as criminal proceedings against each other. Respondent No.2 filed afore

mentioned FIR.

3. The learned Counsel appearing for the respective parties submitted that now parties have settled their disputes amicably and as per the understanding arrived between the parties, the Petitioner has filed present petition for quashing the FIR, by consent.

4. In the present petition, complainant - Respondent No. 3 has filed an affidavit dated 10th March 2015. In the said affidavit, she has stated that misunderstanding between herself and the Petitioner have been resolved. She has further stated that in the family Court proceedings they have filed consent terms. She has solemnly affirmed that she has no objection for quashing the proceedings of FIR No. 305/2012.

5. Respondent No.3 is personally present before the Court. On specific query made by us, she submitted that she has made the said 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 FIR in question initiated by her against the Petitioner.

6. 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 policy law involved in the case. The offence alleged cannot be said to have any impact on the society. 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.

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. 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 made absolute in terms of prayer clause (b).

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]