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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.422 OF 2016**

Pulla Vinod Kumar alias malshetty and Ors. ... Applicants
Vs.
The State of Maharashtra and Anr. ... Respondents

Mr. Satyavrat Joshi for the Applicants.
Mrs. M.H. Mhatre, APP for the Respondent No.1.
Mr. Hareshwardhan Akolkar for the Respondent No.2.

**CORAM : A.S. OKA &
P. D. NAIK, JJ.**

DATE : 26th APRIL, 2016

PC.

1 Rule. The Respondent No.2 waives service. The learned Public Prosecutor for the Respondent No.1 also waives service. Rule is made returnable forthwith. This is an application preferred by the Applicant under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of the FIR registered vide C.R. No.141 of 2014 with Kherwadi Police Station, Mumbai for the offences punishable under Sections, 498A, 406, 323, 504, 506 and 315 read with 34 of the Indian Penal Code, 1908 as well as under Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2 The FIR was lodged at the instance of the Respondent No.2 on 26th June, 2014. In the said FIR, it was alleged that the Respondent No.2 had married to Applicant No.1 on 20.04.2009. Various articles were gifted by the family of complainant to the Applicant No.1. Thereafter, all the accused had harassed the complainant repeatedly. The accused also kept on demanding dowry. The acts amounted to physical and mental cruelty. The Police conducted investigation and even during the investigation, it was noticed that Applicant No.1 and the Respondent No.2 are residing together. After completing investigation, the Police submitted a report for grant of 'C' summary before the concerned Magistrate. During the hearing of the said proceedings, the Public Prosecutor submitted say that Section 315 and other provisions on which FIR is registered are non-compoundable and Section 315 is triable by Court of Sessions, therefore, request for grant of 'C' summary may be rejected. In view of that the learned Magistrate issued notice to the complainant vide order dated 23rd September, 2015.

3 The Applicant No.1 and the Respondent No.2 are present before the Court. In the application itself it has been categorically stated that both the parties are residing together from 23rd March, 2015. It is also pertinent to note that Section 315 would not be attracted in the present proceedings. The Respondent No.2 has tendered an affidavit

before this Court. In the said affidavit, it has been mentioned that the FIR was registered due to some misunderstanding between both the parties. It is further mentioned that the Respondent No.2 and the Applicant No.1 have settled their differences and that she has been cohabiting with Applicant No.1. They are happily residing together. It is also mentioned that a son was born out of wedlock on 4th December, 2013 and he is keeping good health and he is extremely happy. The Respondent No.2 has consented for quashing the FIR.

4 In view of the contents of the application as well as the affidavit submitted by the Respondent No.2, we are inclined to exercise powers under Section 482 of the Cr.P.C. We have noted that Applicant No.1 and the Respondent No.2 are present in the Court. In view of the recent decision of the Supreme Court in the case of *Gian Singh Vs. State Bank of Punjab and Another reported in 2012(10) SC 303*, it has been observed that the disputes which are purely of private nature and with which public at large is not concerned, the Court can exercise inherent powers of the Court and quash the proceedings in the event the parties have amicably settled their dispute. In view of the observations made in the aforesaid judgment and also considering the factual circumstances as well as the documents on record, we are inclined to allow this application. Hence, Rule is made absolute in terms of prayer clause (a)

which reads thus :-

“(a) The Hon'ble Court may be pleased to quash and set aside the FIR bearing C.R. No.141 of 2014 registered with the Kherwadi Police station, Mumbai and the entire Criminal Proceedings arising out of the said FIR.”

5. Parties to act upon an authenticated copy of this order.

(P. D. NAIK, J)

(A.S. OKA, J)