

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION No. 723 OF 2017**

Soliya Sahil Khan and Others. ..Applicants.  
*Versus*  
State of Maharashtra & Another. ..Respondents.

Mr. P. J. Patil for the Applicants.  
Mr. N. B. Patil, APP for the State.  
Mr. Datta Mane for Respondent No. 2.

Coram : RANJIT MORE &  
SARANG V. KOTWAL, JJ.  
Date : **July 19, 2017.**

**P. C. :**

1. Heard the learned Counsel appearing for the Applicants, the learned Counsel appearing for the Respondent No. 2 and the learned APP for the State.
2. The application is filed for quashing the FIR bearing No. 75 of 2016 registered at the instance of Respondent No.2 with Oshiwara Police Station for the offence punishable under sections 380, 504, 507, 506(II) read with 34 of the Indian Penal Code, 1860.
3. Respondent No. 2 and Applicant No. 1 are the husband and wife. Applicant Nos. 2 and 3 are the brothers of Applicant No. 1. The matrimonial disputes between the parties led to the registration of the subject FIR.
4. The learned Counsel appearing for the respective parties

submitted that pending investigation parties have settled their disputes amicably and have entered into consent terms and in pursuance of of such settlement, they have approached this Court for quashing the subject FIR by consent of Respondent No.2.

5. Respondent No. 2 has filed affidavit dated 19<sup>th</sup> July 2017. In paragraph 5 of the affidavit he has given consent for quashing of the subject FIR. Respondent No.2 is personally present before the Court. On specific query made by us, he submitted that he has made the said affidavit on his own free will, without there being any pressure or undue influence. He has further confirmed that he has no objection for quashing the subject FIR initiated by him against the Applicants.

6. 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].

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. 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 subject FIR alive except ultimately 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 FIR in question. Accordingly, application is allowed in terms of prayer clause (a).

**[SARANG V. KOTWAL, J.]**

**[RANJIT MORE, J.]**