

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**WRIT PETITION NO. 4443 OF 2015**

Amardeep N. Solanki and Others. ..Petitioners.

**Versus**

Ritika Amardeep Solanki and Others. ..Respondents.

Mr. V. R. Kasle i/b Meena R. Sharma for the Petitioner.

Mr. D. J. Shejul for Respondent No. 1.

Ms. S. D. Shinde, APP for the State.

Coram : Ranjit More &  
A. S. Gadkari, JJ.

Date : **August 2, 2017.**

**P. C. :**

1. Heard the learned Counsel appearing for the Petitioner, the learned Counsel appearing for the Respondent No. 1 and the learned APP for the State.

2. The petition is filed seeking quashment of the criminal proceedings bearing RCC No. 4606 of 2012 pending on the file of the learned JMFC, Vashi at Belapur, Navi Mumbai. The said case has arisen from the registration of FIR bearing CR. No.I-470 of 2010 with Nerul Police Station at the instance of Respondent No. 1 for the offence punishable under section 498A read with 34 of the Indian Penal Code, 1860.

3. Petitioner No. 1 and Respondent No. 1 were the husband and wife and rest of the Petitioners are the relations of

Petitioner No. 1. The matrimonial discord between the parties gave rise to filing of civil as well as criminal proceedings by the parties and the subject matter of the present writ petition is one of them.

4. Parties settled their disputes amicably and accordingly obtained divorce by mutual consent from the Court of 6<sup>th</sup> Joint Civil Judge, Senior Division, Thane in Marriage Petition No. 234 of 2014. Parties are now before this Court for quashing the subject criminal proceedings by consent.

5. Respondent No. 1 has accordingly filed affidavit dated 2<sup>nd</sup> August 2017. In paragraph 9 she has given no objection for the quashment of the subject criminal proceedings. Respondent No.1 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 subject criminal proceedings initiated by her against the Petitioners.

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 criminal proceedings pending 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 subject criminal proceedings. Accordingly, petition is made absolute in terms of prayer clause (a).

**[A. S. GADKARI, J.]**

**[RANJIT MORE, J.]**