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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.1102 OF 2017

Lt. Coln. Dr. Yayati Praful Pimpalwar and ors	...	Applicants
V/s.		
State of Maharashtra and anr	...	Respondents

Ms. Shilpa A. Joshi, for the Applicant.
Mr. V. B. Konde Deshmukh, APP for the
Respondent State.
Mr. Narayan Kumar D Gangal, for
respondent No.2.

**CORAM : RANJIT MORE &
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 20th NOVEMBER, 2017.

P.C. :

- 1] Heard learned counsel for respective parties.
- 2] This application is filed for quashing and setting aside the F.I.R. bearing No.316 of 2015, registered with Vakola Police Station, Mumbai, at the instance of respondent No.2, for offence punishable under Sections 498(A), 323, 406, 504, 506, read with section 34 of the Indian penal Code and sections 3 and 4 of Dowry Prohibition Act, 1961.
- 3] Applicant No.1 and respondent No.2 are the husband and

wife and applicant Nos. 2 and 3 are the relations of applicant. In view of the matrimonial dispute between the parties, Civil as well as Criminal cases came to be filed. The subject crime is one of them.

4] Pending investigation, parties, have settled their dispute amicably and filed consent terms in Marriage Petition No.A.2558/2016 before the Family Court, Bandra, Mumbai. Copy of consent terms is annexed at page No.15 of the petition and marked as Exhibit "B".

5] In terms of understanding arrived at between the parties, they have approached this Court, for quashing the subject F.I.R., by consent. Respondent No.2 has accordingly filed consent affidavit dated 20.11.2017. Respondent No.2 is present before the Court and on query, she stated that whatever stated in the affidavit is understood to her. She has given no objection to quash the subject F.I.R. Applicant No.1 is present before the Court. He undertakes to comply with the consent terms arrived at between the parties before the Family Court. Applicant Nos. 2 and 3 are not present before the Court. However, they have filed common affidavit stating therein that they undertake to comply with those consent terms. The undertakings in these affidavits are accepted.

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.”

7] Accordingly, the present application is allowed in terms of prayer clause (a). The F.I.R. bearing No.316 of 2015, registered with Vakola Police Station, Mumbai, at the instance of respondent No.2, for offence punishable under Sections 498(A), 323, 406, 504, 506, read with section 34 of the Indian Penal Code and sections 3 and 4 of

Dowry Prohibition Act, 1961 is hereby quashed and set aside.

8] Application is disposed of in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]