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

CRIMINAL WRIT PETITION NO.4643 OF 2017

Rahul Arvind Ranware and ors ... Petitioners

V/s.

The State of Maharashtra and anr ... Respondents

Mr. V. S. Talkute, for the Petitioners.

Mr. A. R. Kapadnis, APP for the Respondent State.

Mr. Swapnil Mhatre i/by S. P. Kulkarni, for respondent No.2.

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

DATE : 20th NOVEMBER, 2017.

P.C. :

1] Heard learned counsel for the respective parties.

2] The petition is filed for quashing and setting aside the proceeding in Criminal Case No.2 (PW) 2014 pending on the file of Metropolitan Magistrate, 29th Court, Bhoiwada, Dadar. The said case arises out of registration of Crime No.173 of 2013 with Bhoiwada Police police station, at the instance of respondent No.2, for the offence punishable under Sections 498A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3] The petitioner No.1 and respondent No.2 got married on 2.12.2011. Petitioner Nos 2, 3 and 4 are the relatives of petitioner No.1. The matrimonial dispute gave rise in filing Civil as well as Criminal cases and present proceeding is one of them. The parties have settled their dispute amicably, in terms of order passed by learned Single Judge of this Court dated 7th September, 2017 in Civil Application No.219 of 2017. The parties accordingly, have complied with the terms of settlement. The parties, therefore, now prays this Court for quashing the proceeding above Criminal Case.

4] Respondent No.2, accordingly filed an affidavit dated 20.11.2017. Respondent No.2 is personally present. She understood the contents in the affidavit. In paragraph No.7 of the affidavit, she has given no objection for quashing the proceeding.

5] 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 XXXA 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.”

6] Accordingly, the present petition is allowed in terms of prayer clause (a). The proceeding in Criminal Case No.2 (PW) 2014 pending on the file of Metropolitan Magistrate, 29th Court, Bhoiwada, Dadar arising out of registration of Crime No.173 of 2013 with Bhoiwada Police police station, at the instance of respondent No.2, for the offences punishable under Sections 498A, 406, 323, 504, 506 read with Section 34 of the Indian Penal Code is hereby quashed and set aside.

7] Petition is disposed of in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]