

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO.592 OF 2021

Smt. Alka Mahadeorao Harane and another Vs. State of Maharashtra,
through PSO, Tumsar Police Station, Dist. Bhandara and another

AND

CRIMINAL APPLICATION (APL) NO.1170 OF 2021

Vijay Mahadeorao Harane Vs. State of Maharashtra, through PSO, Tumsar
Police Station, Dist. Bhandara and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Shri Muhammad Ateeque Abdul Mushtaque, Advocate for applicants.
Shri V.A. Thakre, APP for non-applicant no.1/State.
Shri Amol G. Hunge, Advocate for non-applicant no.2.

CORAM : M.S. SONAK & PUSHPA V. GANEDIWALA, JJ.
DATE : 27th OCTOBER, 2021.

CRIMINAL APPLICATION (APL) NO.1170 OF 2021

Heard. **Admit.**

Shri V.A. Thakare, learned Additional Public
Prosecutor waives service of notice on behalf of non-
applicant no.1/State and Shri Amol Hunge, learned counsel
waives service of notice on behalf of non-applicant no.2.

CRIMINAL APPLICATION (APL) NO.592 & 1170 OF 2021

Heard.

2. Both these applications are filed for the
quashment of the first information report lodged by non-
applicant No.2 with Police Station, Tumsar, District Bhandara

against the applicants for the offence punishable under Section 498A read with 34 of the Indian Penal Code. Non applicant no. 2 is the wife of applicant Vijay Mahadeorao Harane.

3. As per report dated 20.10.2021 of the Mediator, the matter is settled between the parties. We have also perused the terms of the settlement. We are satisfied that no purpose would be served to continue the criminal proceedings against the applicants.

4. In this context, we rely on the ratio laid down in the judgment of the Hon'ble Apex Court in the case of **B.S. Joshi and others Vs. State of Haryana and another [(2003) 4 SCC 675]**, wherein the Hon'ble Apex Court held in paras 14 and 15 as under:

“14. There is no doubt that the object of introducing Chapter XX-A containing Section 498-A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498-A 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 XX-A 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.”

5. Having regard to the fact that matter is settled between the parties during the mediation process and considering the nature of dispute between the parties, we pass the following order:

The First Information Report No.0346 of 2020 registered at Police Station, Tumsar, District Bhandara for the offences punishable under Sections 498A read with Section 34 of the Indian Penal Code, is quashed and set aside, subject to costs of Rs.20,000/- payable by the applicant/husband – Vijay Mahadeorao Harane payable to the High Court Legal Services Sub-committee, Nagpur.

The applications stand disposed of.

(Pushpa V. Ganediwala, J.)

(M.S. Sonak, J.)

Wagh