

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3063 OF 2022

Shakeel Ratan Shaikh and Others ...Applicants

Versus

The State of Maharashtra & Anr ...Respondents

Mr. Swapnil S. Dargad, Advocate for Applicants.
Mr. S.P. Sonpawale, APP for Respondent – State.
Mr. V. S. Valse, Advocate for Respondent No. 2.
Mr. Shakeel Ratan Shikh, Applicant no. 1 present.
Ms. Shahinbee Shakeel Shaikh, Respondent No. 1 present.

CORAM : R. G. AVACHAT &
R. M. JOSHI, JJ.

DATE : DECEMBER 21, 2022.

PER COURT :

1. Heard learned Counsel appearing for respective parties.

2. The present Application is filed under Section 482 of Code of Criminal Procedure, 1973 seeking to quash FIR bearing CR No. 447 OF 2022 registered with Police Station MIDC, Latur on the allegation of commission of offences punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code, 1860. The said FIR is registered at the instance of

Respondent No. 2 herein against the Applicants who are her husband and in-laws respectively.

3. Learned Advocates for Applicants and Respondent No. 2 filed terms of compromise dated 18th November, 2022 on record. The same is signed by Applicant No. 1 and Respondent No. 2 and duly endorsed by their respective advocates. The same is taken on record and marked 'X' for identification.

4. Respondent No. 2 is personally present before this Court. On a specific query made by this Court to Respondent No. 2, she submitted that she has made the said compromise on her own free will, without there being any pressure or coercion or undue influence. She has further confirmed that she has no objection for quashing the charge-sheet bearing no. 342/2022 filed before JMFC, Latur.

5. The Apex Court in B. S. Joshi vs. State of Haryana reported in [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."

6. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of report, 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.

7. 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 criminal proceedings alive, except burdening the Criminal Courts which are already overburdened. We are of the view that in the backdrop of the aforestated fact-situation, the continuation of prosecution of FIR in the instant case will amount to abuse of the process of Court and therefore, it is in the fitness of things to quash the subject FIR and criminal proceedings i.e., charge-sheet bearing no. 342/2022 in order to secure the ends of justice. The continuation of criminal proceedings in the instant case will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored.

8. In the light of the principles laid down by the Apex Court in the aforesaid decisions, we are of the considered view that there is no impediment in

quashing the criminal proceeding & FIR in question.

9. Accordingly, Criminal Application is allowed in terms of prayer clause (B) & (B-1).

(R.M. JOSHI, J.)

(R.G. AVACHAT, J.)