

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1254 OF 2020

Govind Babruvan Kamble & Ors.

...Petitioners

vs.

The State of Maharashtra & Anr.

...Respondents

Mr.Rushikesh Kale for Petitioners.

Mrs.S.D. Shinde, APP for State.

Mr.Rushikesh Mohite for Respondent No.2.

Mr.Govind B. Kamble, Petitioner No.1 and Smt.Priya Govind Kamble,
Respondent No.2 present through VC.

**CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.**

DATED : 8 FEBRUARY 2022

P.C. :

1. By this petition, the Petitioners pray for quashment of the FIR being Crime No. 320 of 2016 dated 13/05/2016 registered at Faujdar Chawdi Police Station, Solapur for the offences punishable under Sections 498A, 323, 504, 506, 34 of IPC.

2. Respondent No.2 is the first informant, who is the wife of Petitioner No.1 and lodged the complaint with Faujdar Chawdi Police Station out of matrimonial discord alleging ill-treatment meted out to her by the Petitioners on various grounds. Accordingly, the complaint was registered and on completion of investigation, the charge sheet was filed.

3. After filing of the chargesheet, both the parties have settled the dispute and affidavit has been filed by Respondent No.2 in this matter on 5 February 2022 stating therein that considering the future and secured life of Petitioner No.1 and Respondent No.2, they have settled their dispute to save marital life and therefore, she does not want to proceed further with the matter.

4. Heard learned Counsel for the respective parties. Petitioner No.1 and Respondent No.2 are personally present in the court through virtual mode.

5. Learned Counsel for the Petitioners submits that as the matter has already been settled and for happy marital life, the parties have decided to withdraw the allegations. In view of the settlement, it is prayed that the FIR in question may be quashed and set aside.

6. After going through the contents of the allegations in the FIR, it is clear that there was a marital discord and for future happy marital life, Respondent No.2 has decided not to pursue the criminal complaint. In the circumstances, we are of the opinion that no fruitful purpose would be served even if the trial is conducted in the matter.

7. At this juncture, it would be apposite to refer to the decision of Apex Court in ***B. S. Joshi vs. State of Haryana reported [AIR 2003 SC 1386]***, wherein the Apex Court has held that in the event of settlement of matrimonial dispute, the FIR under Section 498A of IPC can be quashed, even though the said offence is not compoundable in terms of Section 320

of the Cr.PC. 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].

8. 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.

9. 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 pending 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 the Petitioners 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 FIR and proceeding in order to secure the ends of justice. We are in agreement with the submission of the learned Counsel appearing for the respective parties that 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.

10. 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 criminal proceedings in question.

11. In that view of the matter, the writ petition is allowed and FIR No. 320 of 2016 registered at Faujdar Chawdi Police Station, Solapur against the Applicants for the offences punishable under Sections 498A, 323, 504, 506, 34 of IPC and charge sheet are quashed and set aside.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)