

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

CRIMINAL WRIT PETITION NO.422 OF 2021

1. Sagar Vasant Devkar
2. Mrs. Nanda Vasant Devkar
3. Vasant Ramchandra Devkar
4. Mrs. Karuna Pravin Suryavanshi
5. Pravin Bhimrao Suryavanshi ...Petitioners

Versus

1. The State of Maharashtra
2. Mrs. Amruta Sagar Devkar ...Respondents

...

Mr. Shashikant Choudhari i/b. M/s. Maharashtra Law Associate for
the Petitioners.

Mr. K.V. Saste, APP for Respondent No.1-State.

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

ORDER DATED : 3rd FEBRUARY, 2022.

P.C. :

1. By this writ petition, the Petitioners pray for quashment of
FIR bearing C.R. No.124 of 2016 registered with Aundh Police
Station, District-Satara, for the offences punishable under Sections
323, 406, 498-A, 504, 506 r/w 34 of IPC.

2. Respondent No.2. who is the first informant in this matter

got married with the Petitioner No.1 on 29/07/2013. As some differences arose between the Petitioners and Respondent No.2, it was resulted in lodging a criminal complaint by Respondent No.2 on 29/10/2016 being C.R. No.124 of 2016 for the offences as stated above, alleging ill-treatment at the hands of the Petitioners on various grounds.

3. We have heard learned counsel for both the parties. The Respondent No.2 is present before the Court through virtual mode of hearing.

4. Learned counsel for the Petitioners has drawn attention of this Court to the affidavit filed by Respondent No.2 dated 14/12/2021 stating therein that she has settled the matter amicably with the Petitioners and she has no objection for quashing of the FIR in question. It is further stated in the said affidavit that the Petitioners have agreed to pay Rs.22,00,000/- towards the amount of permanent alimony as full and final settlement. It is further stated that it is agreed between the parties that the Petitioners shall pay Rs.11,00,000/- at the time of filing of mutual consent petition before the learned C.J.S.D., Waduj and remaining Rs.11,00,000/- will be

handed over at the time of filing the claim affidavit. Thus, he submits that in view of the settlement, the present petition may be allowed.

5. Learned counsel for Respondent No.2 is not disputing the above referred position and admits the fact of settlement and filing of the affidavit by Respondent No.2 before this Court. He has further pointed out that similar affidavit has been filed in divorce proceedings as well as the domestic violence proceedings filed by Respondent No.2.

6. In the aforesaid backdrop and after going through the contents of the FIR we are of the opinion that no purpose would be served by asking the parties to face the trial and it would be a futility to continue with the trial.

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.P.C. 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 aforesaid 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. Considering the above referred facts and particularly the willingness of parties and the terms agreed between the parties including a term that Respondent No.2 is not desirous to continue with the proceedings initiated at her instance on lodgment of FIR, the Petition is allowed and the FIR No.124 of 2016 registered with Aundh Police Station, District-Satara, for the offences punishable under Sections 323, 406, 498-A, 504, 506 r/w 34 of IPC is hereby quashed and set aside.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)