

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3790 OF 2021

Pratik Anand Mane & Others. ..Petitioners.
Versus
The State of Maharashtra & Another. ..Respondents.

Mr. N. V. Sawnt for the Petitioners.
Mr. J. P. Yagnik, APP for the Respondent-State.
Mr. Rajendra A. Sorankar for Respondent No. 2.

CORAM: PRASANNA B. VARALE &
SURENDRA P. TAVADE, JJ.
Date: **February 15, 2022.**

P. C. :

1. Heard learned counsel appearing on behalf of the Petitioner, learned APP appearing on behalf of the Respondent-State as well as learned counsel appearing on behalf of Respondent No.2. Respondent No. 2 is personally present in this Court.
2. The Petitioners have approached this Court seeking to quash the first information report (FIR) bearing CR No. 117 of 2019 dated 11th May 2009 registered at Versova Police Station on the allegation of commission of offences punishable under sections 498A, 376, 377, 406, 323, 504, 506 and 427 of the Indian Penal Code, 1860 and the proceedings arising from the said FIR, namely, Sessions Case no. 40 of 2021 pending before the Court of Sessions at Dindoshi, Mumbai.
3. The perusal of documents shows that Petitioner No.1 and

Respondent No.2 got married on 4th May 2018. Rest of the Petitioners are in-laws of Respondent No.2. Within a short span of matrimonial life, disputes between the couple ensued and the matrimonial discord led to lodgment of FIR at the instance of Respondent No.2. Perusal of the documents further shows that there were parallel proceedings between the parties, which are pending in the family Court at Bandra, Mumbai.

4. Learned Counsel appearing for the respective parties submitted that during the on going trial of above criminal proceedings, with the help and intervention of family members, friends and well-wishers, the parties have amicably settled their differences by way of mutual settlement and pursuant to the understanding arrived at between them, the instant petition is filed for quashing the above criminal proceedings, by consent of original complainant - Respondent No. 2 herein.

5. Respondent No.2 has filed an affidavit dated 9th June 2021 wherein she has stated that she is not interested in continuing with the criminal prosecution of Petitioners in the subject FIR / criminal case. She has solemnly affirmed that she has no objection for quashing the subject FIR / criminal proceedings.

6. Respondent No.2 is personally present before the Court. On specific query made by us, she submitted that she has made the said affidavit on her own free will, without there being any pressure or undue

influence. She has further confirmed that she has no objection for quashing the criminal proceedings in question instituted at her instance against the Petitioners.

7. 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 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."

8. 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]*.

9. 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. Apparently, the parties have settled the matter, as they have decided to keep harmony between them to enable them to live with peace and love. The compromise records that they have no grudge against each other and the complainant has specifically agreed that she has no objection if the proceedings in question is quashed.

10. 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 aforestated fact-situation, the continuation of prosecution of 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 proceedings of subject sessions case 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.

11. 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. Accordingly, petition is allowed in terms of prayer clause (a).

[Surendra P. Tavade, J.]

[Prasanna B. Varale, J.]