

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

CRIMINAL APPLICATION NO.522 OF 2021

1. Sagar @ Sachin Pradip Jangle
2. Pradip Pundalik Jangle
3. Vasanti Pradip Jangle
4. Bhushan Hari Narkhede
5. Mrs. Tanuja @ Nisha Bhushan
Narkhede
6. Mrs. Aruna Kiran Patil
7. Mrs. Leena Manish Patil
8. Manish Sharad Patil

...Petitioners

Versus

1. The State of Maharashtra
2. Mrs. Mamta Sagar @ Sachin
Jangle

...Respondents

....

Ms Trupti Shetty i/b. Mr. H.D. Magar for the Petitioners.
Mr. J.P. Yagnik, APP for Respondent No.1-State.
Mr. Vinayak V. Katti for Respondent No.2.

CORAM : PRASANNA B. VARALE &

ANIL S. KILOR, JJ.

ORDER DATED: 4th FEBRUARY, 2022.

P.C. :-

1. This application is preferred under Section 482 of Code of Criminal Procedure seeking to quash the FIR bearing Crime No. 144 of 2019 dated 14/04/2019 registered at Dombivali Police Station for the offences punishable under Sections 323, 498 A, 504 and 506 r/w 34 of

IPC.

2. Respondent No.2 is the first informant, who got married with the Applicant No.1 on 23/05/2017. However, because of the disputes and marital discord, Respondent No.2 lodged the criminal complaint alleging physical as well as mental ill-treatment at the hands of the Applicants on various grounds, including demand of dowry. After completing the investigation, charge sheet being R.C.C. No.1156 of 2019 was filed and now by way of present petition, the Petitioners are praying for quashing of the FIR as well as the charge sheet.

3. Learned counsel for the Applicants has drawn attention of this Court to the affidavit of Respondent No.2 filed on record on 24/11/2021 stating therein that the Applicants and Respondent No.2 have settled their disputes amicably and in view of the settlement, the Applicant No.1 and Respondent No.2 have jointly filed mutual consent divorce petition under Section 13 B of the Hindu Marriage Act, 1955 and she has received Rs.5,00,000/- towards full and final settlement. She has further stated that in view of the settlement, she has no objection if the FIR and charge sheet in question are quashed and set aside. Learned counsel for the Applicants therefore prays for quashing of the FIR and charge sheet in

question.

4. Learned counsel for Respondent No.2 is not disputing the above referred facts and admitted the fact of filing of the affidavit dated 13/11/2021. The first informant was present in the Court by virtual mode of hearing and that she was identified by her counsel.

5. In the aforesaid backdrop after going through the contents of the FIR and in view of the settlement, 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.

6. 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]*.

7. 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.

8. 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 Applicants 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.

9. 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.

10. 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 application is allowed and thereby FIR No. 144 of 2019 registered at Dombivali Police Station and charge sheet being R.C.C. No.1156 of 2019 for the offences punishable under Sections 323, 498 A, 504 and 506 r/w 34 of IPC are quashed and set aside.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)