

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3724 OF 2021

Keshal Tajpal Singh and Others. ...Petitioners.
Versus
The State of Maharashtra & Another. ..Respondents.

Mr. Sunil S. Singh for the Petitioners.
Ms. S. D. Shinde, APP for the Respondent-State.

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

Date : **January 7, 2022.**
[Video Conferencing Mode]

P. C. :

1. The Petitioners are seeking quashment of the first information report (FIR) bearing Crime No.402 of 2018 registered at Sangavi Police Station, Pimpri-Chinchwad, Pune for the commission of offences punishable under sections 498A, 406, 323 and 506 read with 34 of the Indian Penal Code, 1860 and the consequent proceedings bearing RCC No. 843 of 2018 pending on the file of JMFC, Pimpri-Chinchwad, Pune. The said FIR has been registered at the instance of Respondent No. 2.

2. Petitioner No.1 and Respondent No.2 got married on 8th February 2015. Apparently, the matrimonial disputes between parties gave rise to the filing of civil as well as criminal proceedings by parties and the subject matter of present petition is one of them.

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3. The 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.

4. Respondent No.2 has filed an affidavit dated 22nd June 2021 wherein she has stated that she is not interested in continuing with the criminal prosecution of the Petitioners in the subject FIR or criminal case. She has solemnly affirmed that she is withdrawing all the allegations made against the Petitioners in the said FIR and criminal proceedings and that she has no objection for quashing the FIR in question and proceedings of the criminal case bearing RCC No. 843 of 2018.

5. Respondent No.2 is present before the Court through video conferencing mode along with her advocate. On specific query made by us, Respondent No.2 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 FIR / criminal proceedings in question instituted at her instance against the Petitioners for the offence punishable under sections 498A, 406, 323 and 506 read with 34 of the Indian Penal Code, 1860.

6. 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."

. 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 imputations 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. Evidently, 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 FIR/proceeding in question is quashed. Further, both the parties have undertaken not to indulge in any litigation against each other and withdraw all the complaints pending between the parties before the court. As they do not intend to proceed with any criminal case against each other, on that basis the submission of the petitioners is that the continuance of the criminal proceedings in the aforesaid FIR/proceeding will be a futile exercise and mere wastage of precious time of the court as well as investigating agencies.

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

[Anil S. Kilor, J.]

[Prasanna B. Varale, J.]