

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.937 OF 2021**

Ravindra Ramnayan Gupta

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

....

Mr. Mohammad Umar Kazi for the Applicant.

Mr. A.A.A. Juvani i/b. Mr. Mohit L. Ahuja for Respondent No.2.

Ms S.D. Shinde, APP for Respondent No.1-State.

CORAM : PRASANNA B. VARALE &

ANIL S. KILOR, JJ.

DATED: 4th FEBRUARY, 2022.

P.C.:-

1. Perused the order of this Court dated 02/02/2022. In compliance of order of this Court dated 02/02/2022, an affidavit is also filed in this Court at the instance of Respondent No.2.

2. Perusal of the record show that only one copy of affidavit of Respondent No.2 is placed on record. Learned counsel for Respondent No.2 submits that additional copy of the affidavit of Respondent No.2 would be placed on record by Monday i.e. 07/02/2022. Submission of

the learned counsel for Respondent No.2 is accepted as an undertaking to this Court. The Petitioner is seeking quashment of the FIR and the proceedings being R.C.C. No.311 of 2016 arising out of the FIR No. 323 of 2015 lodged at Bazarpeth Police Station, Kalyan for commission of offences punishable under Sections 498A, 323, 504 and 506 of the IPC.

3. It is submitted before this Court that Respondent No.2 in heat of passion filed the report to the police station and subsequent to filing of the report, due to intervention of the elderly persons in the family, the dispute between the couple, viz. the Petitioner and Respondent No.2 is resolved amicably. It is submitted in the affidavit filed at the instance of Respondent No.2 that the Applicant and Respondent No.2 have resumed their cohabitation and that the couple is blessed with two children. It is submitted that due to intervention of the elderly persons, better sense prevailed over the parties and they have decided to reside peacefully and the affidavit at the instance of Respondent No.2 is filed on her free will. The parties were present before this Court by way of a virtual mode on 02/02/2022 and their presence for today was already dispensed with subject to filing of the affidavit in this Court. As stated above, Respondent No.2 has filed affidavit in this Court. As Respondent No.2 is having no objection for quashing of the proceedings and submits that she is residing

with the Petitioner peacefully, continuation of lodgement of the FIR No.323 of 2015 registered at Bazarpeth Police Station and the proceedings arising out of the said FIR would be nothing but a futile exercise.

4. 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]*.

5. 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.

6. 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 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.

7. 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.

8. 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 in terms of prayer clause (i).

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

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