

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.6118 OF 2021

1. Harsh Nitin Gala
2. Bharti Nitin Gala
3. Nitin Keshavji Gala

...Petitioners

Versus

1. The State of Maharashtra
2. Jharna Harsh Gala

...Respondents

...

Mr. Yakshay Chheda for the Petitioners.

Smt. Aruna S. Pai, Chief APP for Respondent No.1-State.

Ms Jharna Gala present through V.C. mode.

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.682 of 2021 registered with Vakola Police Station for the offences punishable under Sections 323, 496, 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 08/12/2019. However, due to certain differences and disputes between the Petitioners and Respondent No.2, the Respondent No.2 lodged a criminal complaint with the Vakola Police Station, alleging thereby ill-treatment at the hands of the Petitioners on various grounds including demand of money.

3. We have heard learned counsel for both the parties.

4. The dispute between Respondent No.2 and the Petitioners has been amicably settled and in view of the settlement, Respondent No.2 does not want to proceed further in the FIR in question.

5. It is submitted that during the pendency of anticipatory bail application filed by the Petitioners, the dispute was referred to mediation and after several sessions of mediation on various dates and after deliberation and consultation, the dispute was mutually settled and consent terms were prepared. It is submitted that as per the consent terms, the Petitioners have already paid Rs.5,00,000/- and rest of the terms will be complied with as per the timelines in the

consent terms.

6. Learned counsel for Respondent No.2 is not disputing the above referred facts. The Respondent No.2 is personally present by virtual mode and she has been identified by her Advocate.

7. 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.

8. 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]***.

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.

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 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.

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.

12. 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 thereby the FIR No.682 of 2021 registered with Vakola Police Station for the offences punishable under Sections 323, 496, 498-A, 504, 506 r/w 34 of IPC is quashed and set aside.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)