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

WRIT PETITION NO. 5861 OF 2019

Sridhar S. Sirpuram & Ors.

...Petitioners

Versus

The State of Maharashtra & Another.

..Respondents

.....

Mr. Bommer Limbadri for the Petitioners

Ms. Jyoti Bharat Mahakar i/b Ajay U. Bagade for respondent no.2

Ms. S.D. Shinde, APP for respondent no.1 – State

.....

**CORAM : PRASANNA B. VARALE &
G.A. SANAP, JJ.**

Date : March 25, 2022.

P. C. :

1. Heard learned Counsel appearing for the petitioners, learned APP for respondent no.1. State and learned Counsel appearing for respondent no.2. Respondent No.2 – Mrs. Vanshika Shivkumar Sirpuram is personally present in this Court.
2. By way of the present petition, the petitioners pray for quashing of the FIR, being Crime No. 17 of 2019 registered with Vinoba Bhawe Nagar Police Station for the commission of offences under Section 498A, 406, 504, 506 r/w Section 34 of the Indian Penal Code. Perusal of the copy of the report placed on record at Exh.A, page 13 and more particularly the complaint statement of respondent no.2 show that marriage between petitioner no.2 Shivkumar

Sirpuram and respondent no.2 – Mrs. Vanshika S. Sirpuram was solemnized on 27.04.2016. Soon after the marriage, respondent no.2 was subjected to ill-treatment and harassment, including demands. It may not be necessary for us to refer to the complaint statement in detail. Suffice to say that after bearing ill-treatment for some time i.e. nearly for two years, the respondent no.2 ultimately lodged a report on 21.01.2019. Subsequent to filing of the petition, it seems that due to the intervention of relatives and senior members in the family, the parties have resolved their dispute amicably. It is stated in the affidavit-in-reply filed on behalf of the respondent no.2, dated 03.02.2020 that the dispute between the petitioners and herself is being resolved amicably, therefore, she wish to withdraw the criminal case / FIR No. 17 of 2019 for commission of the offences under Sections 498A, 406, 504, 506 r/w Section 34 of the Indian Penal Code registered with Vinoba Bhave Nagar Police Station. It is also stated in the affidavit-in-reply that the dispute is amicably settled without there being any undue influence, coercion or pressure. On putting a query to respondent no.2, who is personally present in this Court in respect of the statements made in affidavit-in-reply, respondent no.2 reiterates the statements and states before this Court that the dispute between the parties is settled and presently she is living a peaceful life.

3. Considering these facts, in our opinion, the lodgment of report and proceedings arising out of the report, would be nothing but a futile exercise. The parties have adopted the approach of forgive and forget as the parties are now leading peaceful marital life. As such, in our opinion a case is made out for exercising our power

under Section 482 of the Cr.P.C. 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.”

4. 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 social interest involved in the crime. The offence alleged cannot be said to have any impact on the society.

6. Considering all these aspects, the petition is allowed in terms of prayer clause (b), which reads thus :-

“(b) This Hon’ble Court may issue a Writ of Certiorari or Writ of any other nature under Article 226 of the Constitution of India along with 482 of Criminal Procedure Code be pleased and set aside the FIR No.17 of 2019 dated 21.01.2019 registered with the Vinoba Bhave Nagar Police Station at the instance of Respondent No.2 against the Petitioner for offence u/s 498A, 406, 504, 34 of Indian Penal Code on such terms and conditions as this Hon’ble Court may deem fit and proper.”

7. The petition is disposed of accordingly.

[G.A. Sanap, J.]

[Prasanna B. Varale, J.]