

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

CRIMINAL WRIT PETITION NO. 3946 OF 2018

Ratilal Bhanudas Hembade And Ors. ...Petitioners
Versus
The State Of Maharashtra And Anr. ...Respondents

Mr.V. V. Purwant for the Petitioners.

Mr.Deepak Thakare, PP a/w Ms.S.D. Shinde, APP for the
Respondent-State.

Mr.Y.V. Purwant for Respondent No.2.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 17th OCTOBER 2018

P.C.

1. Heard the learned counsel for the petitioner, the
learned APP for respondent No.1-State and learned counsel for
respondent No.2.

2. The petition is filed for quashing and setting aside the FIR
bearing No.331/2018 registered against respondent No.2 with
Mangalveda Police Station, District-Solapur for an offence
punishable under Section 327, 324, 323, 143, 147, 149, 504, 506 of
Indian Penal Code.

3. During the pendency of the investigation parties have settled their dispute and in pursuant of the settlement arrived between them, have approached this Court for quashing the subject FIR by consent.

4. The respondent No.2-Siddheshwar More and aggrieved persons Mangesh Dnyandeo More and Pampuseth Namdeo More have filed separate affidavits dated 02nd September and 17th October 2018 respectively. In paragraph six of the affidavits they have given no objection to quash the subject FIR. The respondent No.2 and other aggrieved persons are personally present in Court and on specific query they have made a statement that they have gone through the petition and affidavit and understood the contents thereof. They specifically state that they have no objection to quash the subject FIR against the present petitioner.

5. The Hon'ble Apex Court in the case of ***Narinder Singh vs. State of Punjab***¹ has observed thus :-

“14. As to under what circumstances the criminal proceedings in a non-compoundable case be quashed when there is a settlement between the parties, the Court provided the following guidelines :

1 [2014 AIRSCW 2065]

“Where the High Court quashes a criminal proceedings having regard to the facts that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings 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; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the Court.”

In the light of the aforesaid observations we have noted that the two rival parties have amicably settled dispute between them and no gainful purpose would be achieved in continuing the prosecution.

6. In the backdrop of above facts and circumstances and especially in view of law laid down by the Apex Court in the case of Narinder Singh (supra), we find that no purpose would be served by keeping the criminal proceedings pending except burdening the

criminal Courts which are already overburdened. In that view of the matter and in the interests of justice, the criminal proceedings are required to be quashed. However, at the same time, costs need to be saddled on the parties for putting into motion the police and judicial mechanism for settling their personal disputes.

7. Accordingly, the subject FIR is quashed and petition is allowed in terms of prayer clause (a) subject to following:-

(i) The petitioners shall pay an amount of Rs.50,000/- to Anandwan, Maharogi Seva Samiti, Warora which is non-profit, non-governmental organization working towards betterment of stigmatized and people with disability such as leprosy, visually impaired, speech impaired etc. Details of the account of "Maharogi Seva Samiti, Warora" are as below:-

Saving account No.	20255737169
Name of the Bank	Bank of Maharashtra,
Branch	Anandwan
IFSC Code	MAHB0000792

The said amount be deposited within the period of two weeks from today and the receipt of the same be placed on record.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)