

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

CRIMINAL WRIT NO.3249 OF 2018

Kokila Girish Dalal ...Petitioner
Versus
The State Of Maharashtra And Anr. ...Respondents

**WITH
CRIMINAL WRIT NO.3290 OF 2018**

Nishith Girish Dalal ...Petitioner
Versus
The State Of Maharashtra And Anr. ...Respondents

Mr.P.S. Patil for the Applicant in WP No.3249 of 2018 and for Respondent No.2 in WP No.3290 of 2018.

Mr.Sachin Pawar i/b RKM Legal Services for the Petitioner in WP No.3290 of 2018 and for Respondent No.2 in WP No.3249 of 2018.

Mr.K.V. Saste, APP for Respondent-State.

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

DATE : 17th OCTOBER 2018

P.C.

1. Heard.

2. The petitioner in Writ Petition No.3249 of 2018 is the mother of the petitioner in Writ Petition No.3290 of 2018. Writ Petition No.3249 of 2018 is filed by the mother for quashing the FIR

bearing CR No.122 of 2016 registered with Juhu Police Station at her instance said FIR bearing CR No.120 of 2016 is registered with Juhu Police Station against her son for an offence punishable under Sections 324 and 323 read with 34 of the Indian Penal Code. This FIR is subsequently cumulative to the C.C. bearing No.1579/PW/2016 pending with the Metropolitan Magistrate, 10th Court, Andheri, Mumbai. At the instance of the son, FIR bearing CR No.122 of 2016 is registered with the Juhu Police Station against his mother for an offence punishable under Section 326 and 504 of the Indian Penal Code. This FIR culminated into the C.C. bearing No.1554/PW/2016 pending with the file of Metropolitan Magistrate, 10th Court, Andheri, Mumbai.

Both the said FIR's revolve around the same incident which took place in the four corners of house of the petitioners.

3. Pending trial, parties have settled their dispute amicably and have approached this Court by filing above petitions for quashing the proceedings. Both mother and son (original complainants) have filed separate affidavits giving no objection to quash criminal subject cases. Mother and son (Complainants) are present before the Court. On specific query, they have made a statement that they have gone through the petitions and affidavits

and understood the contents thereof. They specifically state that they have no objection to quash the subject FIR against the present petitioners.

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 :

“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,

1 [2014 AIRSCW 2065]

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, both the subject FIRs are quashed and petitions are allowed in terms of prayer clause (b) :-

(Prayer in Writ Petition No.3249 of 2018)

“(b) This Hon'ble Court be pleased to quash and set aside the FIR No.122 of 2016, registered with the Juhu

Police Station, Mumbai under Sections 326 and 504 of IPC and Charge Sheet dated 21st April, 2016, in C.C. No.1279/PW/2016 pending before the 10th Metropolitan Magistrate, Andheri; ”

(Prayer in Writ Petition No.3290 of 2018)

“(b) This Hon'ble Court be pleased to quash and set aside the FIR No.120 of 2016, registered with the Juhu Police Station, Mumbai under Sections 323, 324 read with 34 of IPC and Charge Sheet dated 30/05/2016 in C.C. No.1554/PW/2016 pending before the 10th Metropolitan Magistrate, Andheri; ”

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)