

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

CRIMINAL WRIT PETITION NO.3424 OF 2018

Mahesh Devji Patel & Anr. ..Petitioners

V/s.

Kesarinath Bhiva Patil & Ors. ..Respondents

Mr.R.D. Soni i/b Mr.R.S. Palas for the Petitioners.

Mr.V.M. Thorat a/w Mr.Anil Jadhav i/b Mr.M.V. Thorat for
Respondent No.1.

Mr.K.V. Saste, APP for the Respondent No.3-State.

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

DATE : 31st OCTOBER 2018

P.C.

1. Heard learned counsel for the petitioners, learned counsel for respondent No.1 and learned APP for the respondent No.3-State.

2. The petition is filed for quashing and setting aside the proceedings of the Criminal Case bearing No.120 of 2016 pending on the file of Judicial Magistrate First Class, Panvel. The said case arises out of the registration of FIR bearing C.R.No.2 of 2016

registered with Panvel City Police Station at the instance of the respondent No.1 for an offence punishable under Sections 199, 200, 420, 465, 467, 468, 469 and 471 of the Indian Penal Code.

3. Pending investigation, parties settled their dispute amicably and filed consent terms before the Civil Judge Junior Division, Panvel in subject suit No.89 of 2015. The copy of the consent terms are placed before us for our perusal. We have gone through the same. We have find that the consent terms signed by the plaintiff and the defendant and their respective counsel. In terms of the settlement arrived between the parties they have approached this Court for quashing the subject proceedings and FIR by consent. The respondent no.1, accordingly, filed an affidavit dated 15.10.2018. In paragraph No.6, he has given no objection. The respondent No.1 is personally present in the Court and on specific query he has made a statement that he has gone through the application and affidavit and understood the contents thereof. He specifically states that he has no objection to quash the subject FIR against the present petitioners.

4. The Hon'ble Apex Court in the case of *Narinder Singh*

vs. State of Punjab¹ 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, 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.

¹ [2014 AIRSCW 2065]

5. 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.

6. Accordingly, proceedings of the Criminal Case bearing No.120 of 2016 the said case arises out of the registration of FIR bearing C.R.No.2 of 2016 with Panvel City Police Station is quashed and set aside subject to payment of costs of Rs.50,000/-. The petitioner shall deposit the costs with Yashodhan Charitable Trust, Satara. Details of the account of Yashodhan Charitable Trust, Satara are as follows :-

Account Name	:	Yashodhan Charitable Trust
Bank Name	:	Bank of Maharashtra
Account No.	:	60245873355
IFCS Code	:	MAHB0000305
Branch	:	Powai Naka, Satara
A/c. Type	:	Saving

The said amount be deposited within a period of two

weeks from today and the receipt of the same be placed on record.

7. Subject to above, the criminal writ petition stands disposed of.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)