

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

CRIMINAL APPLICATION NO.1061 OF 2018

Pravinsingh Vasava & Ors.	..Applicants
V/s.	
Fatesingh Navjibai Vasava & Ors.	.. Respondents

Mr.J.M. Khojotia for the Applicants.

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

Mr.Abdul K. Millwala Respondent No.1 present in Court.

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

DATE : 26th OCTOBER 2018

P.C.

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

2. The application is filed for quashing and setting aside the proceedings of the Regular Criminal Case bearing No.15 of 2005 pending on the file of the 2nd Civil Judge Senior Division and Chief Judicial Magistrate, Silvassa. The said case arises out of a FIR bearing C.R. No.I-202/2003 registered with Silvassa Police Station at the instance of the respondent No.1 for an offence punishable

under Sections 341, 452, 363, and 379 of the Indian Penal Code.

3. Pending investigation, parties settled their dispute amicably and in pursuant to the understanding arrived between them they have approached this Court for quashing the subject proceedings and FIR by consent. The respondent no.1 has accordingly filed an affidavit dated 15.09.2018. In paragraph No.5, he has given no objection for quashing of the case. 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 applicants and he is according his consent out of free will.

4. 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

1 [2014 AIRSCW 2065]

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 served in continuing the prosecution.

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 using the police machinery and judicial mechanism for settling their personal disputes.

6. Accordingly, the subject FIR bearing C.R. No.I-202/2003 registered with Silvasa Police Station is quashed and set aside to payment of costs of Rs.25,000/-. The applicants shall pay an amount of Rs.25,000/- to Anandwan, Maharogi Seva Samiti, Warora which is a 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.

7. Subject to above, the criminal application stands disposed of.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)