

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

CRIMINAL APPLICATION NO.1157 OF 2018

Shri.Suhas Dandavate & Anr. ...Applicants
Versus
The State Of Maharashtra And Anr. ...Respondents

Mr.V.V. Pethe, for the Applicant.

Mr.R.R. Shaikh, APP for the Respondent No.1-State.

Mr.L.R. Odhekar 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, learned APP for the State and learned counsel for respondent No.2.

2. The petition is filed for quashing and setting aside the FIR bearing CR No.196/2018 registered with Gangapur Police Station, Nashik, at the instance of the respondent No.2 for an offence punishable under Sections 420, 409 read with 34 of the Indian Penal Code.

3. The applicants are the Officers of the Thane Janata Sahakari Bank. The respondent No.2 is holding the account in the said bank. The sole allegation made in the FIR is that on 26.03.2012 the amount of Rs.6 lakhs was debited to the account of the respondent No.2 without his consent and the amount was transferred to account Radheya Fonging. In February 2018, respondent No.2 came to know about this transfer and therefore he lodged the subject FIR.

4. Pending investigation, parties settled their dispute amicably. The applicants agreed to pay Rs.12 lakhs (6 lakhs original amount plus 6 lakhs by way of compensation). The Demand Draft for an amount of Rs.12 lakhs is given to the respondent No.2 by the applicants today. In terms of the above understanding, the present proceeding is quashed and the subject FIR by consent. The respondent No.2 accordingly, has filed affidavit dated 17th October 2018. In paragraph No.5, he has given no objection. The respondent No.2 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.

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, 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

1 [2014 AIRSCW 2065]

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 bearing CR No.196/2018 registered with Gangapur Police Station, Nashik is quashed and set aside. Criminal Application is allowed.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)