

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1059 OF 2019

Shreepati Hari Jawal and ors .. Petitioners
Versus
The State of Maharashtra & Anr .. Respondents

...

Mr. A.K. Singh for the petitioners.
Mr.F.R.Shaikh, APP for the State.
Mr.A.S. Tripathi with Shailesh Pai for respondent no.2.

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

DATED : 3rd APRIL 2019

P.C:-

1 Heard learned counsel for the petitioners, learned counsel for respondent no.2 and the learned APP for the State.

2 The petitioner has approached this Court for invoking jurisdiction under Article 226 of the Constitution of India for quashing and setting aside C.R.No.583 of 2018 registered at the instance of respondent no.2 with Powai Police Station for offences punishable under Sections 342, 504, 506II, 143 and 149 of the Indian Penal Code.

3 Pending investigation, parties have settled their dispute amicably and in pursuance of their understanding have

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now approached this Court for quashing the subject FIR by consent.

4 In light of the above statement, respondent no.2 agreed to give no objection for quashing the subject FIR. Respondent no.2 is personally present in the Court.

5 The respondent no.2 has accordingly filed affidavit dated 20th February 2019. In paragraph nos.3 and 4, he has given no objection to quash the proceedings of the subject criminal case. He also states that he is giving no objection for quashing the said FIR out of free will and without there being any pressure or coercion.

6 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*

1 [2014 AIRSCW 2065]

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 buried the hatchet, and since the complainant has been adequately compensated by the petitioner and has also received the entire compensation, we are of the opinion that the FIR is liable to be quashed.

7 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.

8 Accordingly, the writ petition is allowed in terms of prayer clause (a) subject to payment of costs of Rs.10,000/- by the petitioners to the account of Tata Memorial Hospital within a period of four weeks from today. The petitioners shall pay the said costs and produce the receipt thereof on the file of this Court within a period of six weeks from today, failing which, the aforesaid order allowing the Writ Petition would automatically stand recalled.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)