

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1327 OF 2019**

Santosh Suresh Varbhavan .. Petitioner

Vs.

The State of Maharashtra & Ors. .. Respondents

...

Mr. V.P. Sangvikar for the petitioner.

Ms. Sangita Shinde, A.P.P. for the State.

Ms. Rati S. Sinhasane for respondent no.2.

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

DATED : 17th JULY 2019.

P.C:-

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

2. Petition is filed for quashing and setting aside the proceedings pending before the JMFC, Panvel bearing R.C.C. No.717 of 2018 arising from the FIR/C.R. No.271 of 2018 registered with Kharghar Police Station, Navi Mumbai at the instance of respondent No.2 for offences punishable under Sections 354, 509, 323 and 504 of the IPC. The petitioner is

the brother-in-law of respondent No.2.

3. Pending trial, with the intervention of the elders and well-wishers, the parties have settled the dispute amicably and have approached this Court for quashing and setting aside the subject case, by consent. Respondent no.2 has, accordingly, filed Affidavit dated 23rd April, 2019. In paragraph Nos.6 and 7 of the said Affidavit, she has given no objection to quash the proceedings pending before the JMFC, Panvel bearing Case No.RCC 717 of 2018.

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 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

1 [2014 AIRSCW 2065]

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.”

5. In the light of the aforesaid observations we have noted that the two rival parties have amicably settled dispute between them and buried the hatchet, we are of the opinion that the FIR is liable to be quashed in exercise of our inherent powers to secure the ends of justice.

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 writ petition is allowed and the proceedings pending before the JMFC, Panvel in Case No.RCC 717 of 2018 is quashed and set aside subject to the following :-

(i) The petitioner shall pay costs of Rs.10,000/- to **“Yashodhan Charitable Trust, Satara”** (having Registration No.1895/Satara, Maharashtra, Account No.60245873355 IFSC Code MAHB0000305) an institution that takes care of mentally retarded and elderly people in the downtrodden society. The petitioner shall pay the said costs and produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the writ petition shall stand dismissed automatically without further reference to the Court and the order quashing the criminal proceedings shall be treated as non-est.

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

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)