

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1607 OF 2019

Pankaj s/o Sushil Pilani .. Petitioner
Versus
The State of Maharashtra & Anr .. Respondents

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Mr. A.M. Saraogi for the petitioner.
Mrs.A.S. Pai, APP for the State.
Mr.Nimish Andharia i/b Krishna & Saurastri 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 petitioner, 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 to quash the proceedings of the Criminal Case. The said
case arises out of the registration of the FIR bearing No I-69 of
2018 at the instance of respondent no.2 with Thane Nagar
Police Station for offences punishable under Sections 420, 417,
465 of the Indian Penal Code.

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3 Pending investigation with the intervention of elders, parties have settled their dispute amicably and have filed consent terms dated 27th March 2019.

4 In light of the above statement, respondent no.2 agreed to give no objection for quashing the subject FIR. The consent terms are signed by all the petitioners and respondent no.2 along with their counsel. The petitioner as well as respondent no.2 are personally present before the Court.

5 On specific query, they stated that they have gone through the consent terms and understood the contents thereof. In the light of this statement, we take the consent terms on record and mark “X” for identification.

6 The respondent no.2 has filed two affidavits dated 27th March 2019 and 3rd April 2019. He has assured this Court that he will not misbehave with his father. Statement is accepted.

7 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

1 [2014 AIRSCW 2065]

*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 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.

8 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.

9 Accordingly, the writ petition is allowed in terms of prayer clause (a).

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)