

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 462 OF 2019

Sanjay Harilal Rao	.. Applicant
Versus	
Rajesh S. Girme and anr	.. Respondents

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Mr.S.S.Redekar for the applicant.
Mr.F.R. Shaikh, APP for the State.
Mr.Nilesh Wable for respondent no.1.

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

DATED : 1st JULY 2019

P.C:-

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

2 Petition is filed for quashing and setting aside the FIR bearing No.I-209 of 2018 registered at the instance of respondent no.1 with Sarkarwada Police Station, District Nashik for the offence punishable under Section 420 and 409 of the IPC.

3 Pending investigation, parties have settled their dispute amicably and they have no objection for quashing the

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subject FIR by consent. Respondent no.1 has accordingly filed an affidavit dated 24th April 2019. In paragraph no.7, he has given no objection to quash the subject FIR out of free will and without there being any pressure or coercion. Respondent no.1 is personally present in the Court.

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 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.”

1 [2014 AIRSCW 2065]

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, and since the complainant has been adequately compensated by the applicant and has also received the entire compensation, 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.

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 putting into motion the police and judicial mechanism for settling their personal disputes.

6 Accordingly, the Application is allowed and the subject FIR No.I-209 of 2018 is quashed and set aside subject to the following :-

- (i) The applicant shall pay costs of Rs.5,000/- 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*.

Subject to the above, Criminal Application stands disposed of.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)