

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

CRIMINAL WRIT PETITION NO.2808 OF 2019

Mr.Subodh Jogeshwar Rai ..Petitioner
V/s.
The State of Maharashtra & Anr. .. Respondents

Mr.Pawan Mali i/b Mr.Kushal Ambulkar for the Petitioner.

Mr.K.V. Saste, APP for the Respondent-State.

Mr.Ganesh Bhujbal for Respondent No.2.

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

DATE : 24th JUNE 2019

P.C.

1. Heard the learned counsel for the petitioner and respondent No.2 and learned APP for the respondent No.1-State.

2. The petition is filed for quashing and setting aside the FIR bearing CR No.112 of 2019 registered with Bandra-Kurla Complex Police Station, Mumbai at the instance of the respondent No.2 for an offence punishable under Section 381 of the Indian Penal Code.

3. During the pendency of the investigation parties settled their dispute and in pursuance of the settlement arrived between them, they have approached this Court for quashing the subject FIR by consent.

4. The respondent No.2 has filed an affidavit dated 24.06.2019. In para 7 he has given no objection to quash the subject FIR. The respondent No.2 is personally present in Court and on specific query he made a statement that he has gone through the petition and affidavit and understood the contents thereof. He specifically state that he has no objection to quash the subject FIR against the present petitioner.

5. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the allegations are totally personal in nature. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of ***Narinder Singh vs. State of Punjab*** [2014 AIR SCW 2065], 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 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 FIR bearing CR No.112 of 2019 registered with Bandra-Kurla Complex Police Station, Mumbai is quashed and petition is allowed in terms of prayer clause (a) subject to following :-

(i) The applicant shall pay cost 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 above, the criminal writ petition stands disposed of.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)