

Ashish Chandrakant Shah & Ors.	..	Petitioners
Vs		
The State of Maharashtra & Anr.	..	Respondents

...

Mr. Kishor Salunkhe for Respondent No.2.

DATED : 29th JULY, 2019.

P.C:-

1. Heard Mr. Basutkar, learned counsel for the petitioners, Mr. Salunkhe, learned counsel for respondent no.2 and Ms. Shinde, learned APP for the State.
2. The petition is filed for quashing and setting aside the FIR bearing C.R.No.370 of 2013 initially registered with the Matunga Police Station and subsequently transferred to GB, CB, CID, EOW Unit IX, Bombay. The said FIR was registered at the instance of respondent no.2 – Rajendra Chandrasingh Bajaria for offences punishable under Sections 255, 420, 465, 467, 468, 471, 120-B of the Indian Penal Code.

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3. Pending investigation, the parties have settled their dispute amicably and they have no objection for quashing the subject FIR by consent. Respondent no.2 has, by passing a Resolution in the meeting of the Board of Directors held on 25/06/2018, authorized Mr. Kamlesh Sharma to compromise the subject dispute. A copy of the said Resolution is annexed to the Affidavit dated 29/08/2018 filed by Mr. Sharma. In para 3 of the said affidavit, Mr. Sharma has stated that he has given consent for quashing of the said FIR. Mr. Kamlesh is present in the Court. On a specific query, he states that he has gone through the petition as well as the affidavit and understood the contents thereof. He has also stated that he has no objection to quash the FIR. Learned A.P.P. on instructions also states that the petitioner has no antecedence and, therefore, appropriate orders may be passed.

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

1 [2014 AIRSCW 2065]

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 their disputes and buried the hatchet, and the FIR was the outcome of breach the commercial relations between them, 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 fruitful 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 writ petition is allowed and the subject FIR bearing C.R. No.370 of 2013 is quashed and set aside subject to the following :-

- (i) The petitioners shall pay costs of Rs.1,00,000/- to “**Central Police Welfare Fund**” (having Account No.914010029005759 with AXIS Bank, IFSC Code UTIB0000060). *The petitioners 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 petition shall stand dismissed automatically without further reference to the Court and the order quashing the criminal proceedings shall be treated as non-est.*

7. Subject to the above, the writ petition stands disposed of.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)