

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

CRIMINAL WRIT PETITION NO.2935 OF 2019

Rajesh Jeevan Uttamchandani & Ors. ..Petitioners.

V/s.

The State of Maharashtra & Ors. .. Respondents

Mr.N.S. Mundargi a/w Mr.Hitesh Jain, Yashodhan Deshmukh I/b
Parinam Law Associates for the Petitioners.

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

Mr.M.S. Mohite a/w Mr.Milind Pawar, Ms.Krishma Shah I/b A & A
Partners for the Respondent No.2.

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

DATE : 05th JULY 2019

P.C.

1. In furtherance of the order dated 01.07.2019, the learned counsel Mr.Mohite has place on record the details of the Fixed Deposit of the amount of Rs.50,00,000/- as directed to be invested by us in Bank of Maharashtra. Mr.Mohite has also tendered on record a document issued by the Bank of Maharashtra intimating credit of an amount of Rs.1 Crore in the saving bank of Mr.Sushila Jaisingh Waghmare. Said documents are taken on record and marked as Exhibit "X" as compliance of the order passed

This order is corrected as per Speaking to the minutes order dated 30.07.2019

by us on the earlier occasion.

2. In view of the fact that the amount of Rs.50,00,000/- is now invested in the Fixed Deposit in the Bank of Maharashtra for the period of three years, we direct that the quarterly interest payable under the said Fixed Deposit be permitted to be withdrawn by the respondent No.2, for catering to her day to day expenses.

3. We have noted that the parties have settled their dispute amongst themselves and respondent No.2 has tendered affidavit before this Court on 01.07.2019. In the said affidavit, she has given no objection to quash the order under Section 156(3) passed by the Magistrate.

4. We have also heard the respondent No.2 and had an opportunity to interact with her on the last date and with her consensus we have directed the amount received by her to be invested in the with which is reflected in the order dated 01.07.2019. The parties have amicably resolved the dispute and we may gainfully refer to the observations of the Hon'ble Apex Court in

case of *Narinder Singh vs. State of Punjab*¹.

“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

1 [2014 AIRSCW 2065]

that the two rival parties have amicably settled dispute between them and no gainful purpose would be achieved in continuing the prosecution.

5. In the backdrop of above facts and circumstances and especially in view of law laid down by the Apex Court 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 and specifically when the parties have settled their dispute amicably and the complainant do not intend to prosecute the proceedings which have been instituted by her in form of the in subject proceedings. 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. We quash and set aside the proceedings in the Miscellaneous application No.114 of 2019 pending before the Additional Sessions Judge, Pune and the order dated 06.03.2019 arising out of the Criminal Miscellaneous Application No.144 of

2019. The Writ Petition is made absolute in the aforesaid terms subject to the payment of the cost of Rs.50,000/- by the petitioner to **Yashodhan Charitable Trust** (having Registration No.1895/Satara, Maharashtra, Account No.60245873355 IFCS Code MAHB0000305) an institution that takes care of mentally retarded and elderly people in the downtrodden society. 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 order passed by us would stand revoked 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.)