

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**WRIT PETITION NO.3528 OF 2019**

Tejendra Mukund Raval .. Petitioner

Vs

The State of Maharashtra & Anr. .. Respondents

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Ms. Rushita Jain for the Petitioner.

Mr. A.D. Kamkhedkar, A.P.P. for the State.

Mr. S.S. Karmarkar for Respondent No.2.

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

**DATED : 17<sup>th</sup> JULY 2019**

**P.C:-**

1. Heard learned counsel for the petitioner, learned counsel for respondent no.2 and learned APP for the State.

2. Petition is filed for quashing and setting aside the proceedings in C.R. No.385 of 2013 pending in the Metropolitan Magistrate's 65<sup>th</sup> Court at Andheri, Mumbai in C.C. No.PW/49/2014. The said case arises out of registration of FIR bearing C.R. No.385 of 2013 registered with the Oshiwara Police Station at the instance of Respondent No.2 for offences punishable under Sections 324, 504 read with Section

AJN

34 of the IPC.

3. Pending trial, the parties have settled the dispute amicably and have approached this Court for quashing and setting aside the subject case, by consent. Respondent no.2 has, accordingly, filed Affidavit dated 9<sup>th</sup> July, 2019. In paragraph No.3 of the said Affidavit, he has given no objection to quash the proceedings pending before the Metropolitan Magistrate's 65<sup>th</sup> Court at Andheri, Mumbai in C.C. No.PW/49/2014.

4 The Hon'ble Apex Court in the case of ***Narinder Singh vs. State of Punjab***<sup>1</sup> 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*

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1 [2014 AIRSCW 2065]

*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.”*

5. In the light of the aforesaid observations and as noted by us that the two rival parties have amicably settled dispute between them and buried the hatchet, 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.

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 writ petition is allowed and the proceedings pending before the Metropolitan Magistrate's 65<sup>th</sup> Court at Andheri, Mumbai in C.C. No.PW/49/2014 is quashed

and set aside subject to the following :-

- (i) The petitioner shall pay costs of Rs.10,000/- to “**Anandwan**” (payable in favour of “MAHAROGI SEWA SAMITI, WARORA”) an institution which espouses the cause of socially disadvantaged people by enhancing their livelihood capabilities through self discovery and empowering them to contribute to the Society. The petitioners shall pay the said costs and, thereafter, 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 FIR shall be treated as non-est.

8. Subject to the above, criminal writ petition stands disposed of.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)