

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1375 of 2018

Raghav Aggarwal .. Applicant
Versus
The State of Maharashtra .. Respondents

WITH

WRIT PETITION NO.5667 OF 2018

Arvind Kumar Aggarwal & Anr .. Petitioner
Vs.
The State of Maharashtra and anr .. Respondents
...

Mr. Hrishikesh Mundargi for the applicant in APL 1375/18.
Ms. Trupti R. Shetty for the petitioner in WP 5667/18.
Mr. Deepak Thakare, P.P with Sangita Shinde, APP for the state.
Mr. S.H. Pasi for respondent no.2.

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

DATED : 31st JULY 2019

P.C:-

1 Mr. Mundargi, learned counsel for the applicant, at the outset, seeks leave to amend the prayer clause so as to give particulars of the criminal case. Leave granted. Necessary amendment to be carried out forthwith.

Tilak

Petitioner in WP 5667 of 2018 are accused nos.1 and 2 and applicant in APL 1375/18 is accused no.3 in FIR bearing C.R.No. 261 of 2017 registered with Turbhe Police Station at the instance of respondent no.2 for offences punishable under Section 506 r/w Section 34 of the IPC and under Section 3(1)(10) of the Scheduled Caste Scheduled Tribe Act.

2 The FIR was investigated and thereafter charge-sheet was filed before the learned Magistrate at Thane since the offence under the SC-ST Act is triable, the case was committed before the Special Court at Thane and it is numbered as 440 of 2018.

3 Pending trial, parties have settled their dispute amicably and they have no objection for quashing the subject FIR by consent. The respondent no.2 has filed an affidavit dated 29th July 2019. Respondent no.2 is personally present in the Court. In paragraph nos.3 to 5, the following averments are made :-

“3. I say that the matter/case is resolved peacefully and amicably between us. The parties have mutually settled amongst us in the interest of peace and harmony to prevail in society.

4 Further I say that the dispute which is the subject matter of the complaint between the applicants and me is private in nature and, I am the only aggrieved

party in the said dispute, and have agreed to mutually settle the said dispute. That no part of fraction of the society has been affected or aggrieved from the alleged offences which form the subject matter of the said complaint.

- 5 Further I say that, I wish to continue day to day life without any hassle of a personal matter. Thus, I give my complete support and consent for the above mentioned FIR and the proceedings arising out of it to be quashed and set aside, in interest of justice and equity.

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

1 [2014 AIRSCW 2065]

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 buried the hatchet, and since the complainant has been adequately compensated by the applicant/petitioner and has also received the entire compensation, we are of the opinion that the FIR/criminal case 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 and Writ Petition is allowed and the subject FIR No.261 of 2017 is quashed and set aside subject to the following :-

(i) The applicant and petitioners shall pay costs of Rs.10,000/- each 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 and Writ Petition stand disposed of.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)