

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 233 OF 2020

Purushottam Kheldas Bhagnani & Ors. ...Applicants

Versus

The State of Maharashtra & Anr. ...Respondents

.....

Mr.Milind D.Hande for the Applicants.

Mr.K.V.Saste, APP, for Respondent No.1-State.

Mr.Vivek Babar i/b. Mr.Amit Ghag for Respondent No.2.

.....

**CORAM : S.S. SHINDE &
V.G.BISHT, JJ.**

DATE : 12TH MARCH, 2020

P.C.:

1. Rule. Rule made returnable forthwith. On Rule, learned APP appearing for first respondent -State and learned Counsel appearing for second respondent waive service. By consent of the parties, the application is taken up for final hearing.

2. The learned Counsel appearing for second respondent has tendered across the bar a copy of an affidavit dated 12th March, 2020. The same is taken on record and marked 'X' for identification.

3. The learned Counsel appearing for the applicants and second respondent submit that the applicants and second respondent have amicably settled the dispute. It is submitted that the applicants are in

relation and they have decided to have a cordial relationship in future and hence, amicably settled the dispute.

4. In affidavit-in-reply filed by second respondent, it is mentioned that due to intervention of well-wishers and in order to maintain peace and harmony, the applicants and second respondent have amicably settled the dispute and second respondent has no objection if the first information report and chargesheet are quashed.

5. Since the applicants and second respondent have amicably settled the dispute, no fruitful purpose will be served by keeping further proceedings pending arising out of C.R. No.182 of 2013 registered with Bandra Police Station for the offences under Sections 452, 341, 323, 506 (ii), 504 read with 34 of the Indian Penal Code.

6. The Supreme Court in the case of **Giansingh v. State of Punjab and Another**¹ has held that, the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offence arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases,

1 2012 (10) SCC 303

the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. It is further held that, as inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guidance engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court.

7. In the light of discussion hereinabove, the application is allowed in terms of prayer clause (a). Rule made absolute on above terms. Application stands disposed of accordingly.

(V.G.BISHT, J.)

(S.S. SHINDE, J.)