

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

WRIT PETITION NO. 1101 OF 2020

Shri. Rishi Sham Tahiramani

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Sandesh D. Inamdar – Shinde i/by Mr. B.A. Lawate for the Petitioner.

Mrs. S.D. Shinde, APP for Respondent – State.

Ms. Rhydhima S. Shailendra for Respondent No. 2.

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

DATE : 13th MARCH, 2020

PER COURT :

1. **Rule.** On Rule, learned APP waives service for Respondent – State and Ms. Rhydhima S. Shailendra waive service for Respondent No. 2.

Heard with the consent learned counsels appearing for the parties.

2. Learned counsel appearing for the Petitioner and second Respondent jointly submits that, Petitioner and second Respondent have amicably settled the dispute. Second Respondent has filed the affidavit dated 25th February, 2020.

3. In view of the amicable settlement and offence is only punishable under Section 324 read with Section 34 of the Indian Penal Code further continuation of investigation of Crime bearing FIR No. 312 of 2017 registered with Versova Police Station for the offences punishable under Sections 324 read with 34 of the Indian Penal Code would be an exercise in futility since informant is not going to support the allegations.

4. The informant is present in the Court. On specific query to him he stated that, he has filed the affidavit without coercion and undue influence of the accused and it is his voluntary act to give consent for quashing the FIR on the basis of settlement.

5. The Supreme Court in the case of Giansingh v. State of Punjab and Another¹ 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, the High Court may quash the

¹ 2012 (10) SCC 303

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.

6. In the light of the discussion made herein above the Petition is allowed in terms of prayer clauses 'a' and 'b' which reads as under :-

a. This Hon'ble Court be pleased to allow the Petitioner / accused and Respondent No. 2 complainant to compound C.C. No. 1341/PW/2015 for the offences U/sec 324 r/w. 34 of the IPC, which is pending before the Ld. Metropolitan Magistrate's 44th Court, Andheri, Mumbai in F.I.R. No. 312/2014, dtd. 17-10-2014 recorded at the instance of Versova Police Station for the offences U/sec 324 r/w. 34 of the IPC.

b. This Hon'ble Court be pleased to quash and set aside C. C. No. 1341/PW/2015 for the offences u/sec 324 r/w. 34 of the

IPC, which is pending before the Ld. Metropolitan Magistrate's 44th Court, Andheri, Mumbai in F.I.R. No. 312/2014, dtd. 17-10-2017 recorded at the instance of Versova Police Station for the offences U/sec 324 r/w. 34 of the IPC.

7. Rule made absolute in terms of prayer clause 'a' & 'b'.

Accordingly, the Writ Petition stands disposed of.

8. Parties to act upon an authenticated copy of this order.

(V.G. BISHT, J.)

(S. S. SHINDE, J.)