

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

CRIMINAL APPLICATION NO. 419 OF 2020

1. Chetan Shankar Shetty
Age- 36 Years, an Indian Inhabitant
Occupation- Business.
2. Shankar Bhoja Shetty
Aged- 63 Years, an Indian Inhabitant
Occupation- Business.
3. Rati Shankar Shetty
Age- 59 Years, Occ- Housewife
All Resident of Flat No. 603, A-Wing,
Gorai Tulsi CHS Ltd., Survey
No. 21 B, Plot No. 84, Gorai- 02,
Borivili (West), Mumbai- 400091.

...APPLICANTS

Versus

1. The State of Maharashtra
2. Supria Chetan Shetty
Nee Surpiya Pradip Shetty
Aged 31 Years, Indian Inhabitant,
Occupation- Service
Resident of Room No. 701, A Building
No. 89, Jyoti, Co-operative Housing
Society Ltd., Tilak Nagar, Chembur,
Mumbai- 400089.

...RESPONDENTS

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Mr. Prashant Badole for applicants.

Mr. Shreyash Mitare for Respondent No. 2.

Mr. V.B. Konde-Deshmukh, APP for State.

Ms. Supriya Shetty Respondent No. 2 present through video conferencing.

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**CORAM : S. S. SHINDE &
M.S. KARNIK, JJ.**

DATE : 16th OCTOBER 2020.

ORAL JUDGMENT [PER S S SHINDE, J.]:

1. At the outset, learned counsel appearing for the applicants prays for leave to amend, so as to add Mrs. Rati Shankar Shetty as applicant in the cause title of the application. Leave granted. Amendment to be carried out forthwith.

2. Rule. Rule made returnable forthwith and heard with the consent of learned counsel appearing for the parties.

3. It is the contention of the learned counsel appearing for the applicants and Respondent No. 2 that, the parties have amicably settled the dispute and to that effect consent terms are filed before the Family Court, Bandra.

4. Respondent No. 2 is present and we have interacted with her through video conferencing. She stated that, it is her voluntary act to enter into the settlement and for quashing the FIR and there is no coercion.

5. Since the Respondent No. 2 and applicants have settled the dispute which arose out of matrimonial discord and they have entered into the consent terms before the Family Court, Bandra, no fruitful purpose would be served by continuing further proceedings arising out of F.I.R./C.R. No. 630/2016 registered under Sections 498(A) 406, 504 read with 34 of Indian Penal Code with Borivali Police Station, Mumbai. The Respondent No. 2 is not going to support the allegations in the FIR and further continuation of

investigation/proceedings of said FIR/C.R. No. 630/2016 would be exercised in futility and chances of conviction of applicants would be bleak.

6. The Hon'ble 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, 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 view of the above, to secure the ends of justice and prevent the abuse of the process of the Court, the application deserves to be allowed

1 2012 (10) SCC 303

in terms of prayer clause (b). During the course of hearing the learned counsel appearing for applicants on instructions submitted that, the applicants are ready to deposit Rs. 15,000/- (in words Rupees Fifteen Thousand Only) in following account:-

Bank Name- Bank of India.
Branch Name- Main Branch, Fort, Mumbai.
A/c. Name- “Bar Council of Maharashtra and Goa Covid-19”
A/c. No. - 000110110013597
IFSC Code- BKID0000001

8. In that view of the matter, the application is allowed in terms of prayer clause (b), subject to depositing Rs. 15,000/- (in words Rupees Fifteen Thousand Only) in the aforesaid account, within two weeks from today.

9. Rule is made absolute on above terms and application stands disposed of accordingly.

10. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(M. S. KARNIK, J.)

(S. S. SHINDE, J.)