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

CRIMINAL APPLICATION NO. 510 OF 2020

1. Mr. Afsin Joad

Age 29 years, an adult Indian inhabitant
residing at House No.05, Vahida Nagar,
Hathikhana, Near Mansuri Kambrasthan,
Fatepura, Vodadara, Gujrat – 390006.

2. Mr. Juned Joad

Age 27 years, an adult Indian inhabitant
residing at House No.5, Vahida Nagar,
Hathikhana, Near Mansuri Kambrasthan,
Fatepura, Vodadara, Gujrat – 390006.

3. Mrs. Firoza Joad

Age 60 years, an adult Indian inhabitant
residing at House No.5, Vahida Nagar,
Hathikhana, Near Mansuri Kambrasthan,
Fatepura, Vodadara, Gujrat – 390006.

.. Applicants

vs.

1. The State of Maharashtra

at the instance of Kurar Police Station.

2. Mrs. Anjuman Joad

Age 24 years, adult, Indian inhabitant
residing at House No.5, Vahida Nagar,
Hathikhana, Near Mansuri Kambrasthan,
Fatepura, Vodadara, Gujrat – 390006.

.. Respondents

Mr. Yash Vyas for the applicants.

Mr. Shakil Igbal Waru for respondent No.2.

Mr. J.P. Yagnik, APP for State.

Mrs. Anjuman Joad – respondent No.2 present in Court.

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

DATE : DECEMBER 22, 2020

ORAL JUDGMENT : (PER S.S. SHINDE):-

Rule. Rule is made returnable forthwith. Heard finally with the consent of learned counsel appearing for the parties.

2. This application is filed for following substantive prayer :

“(a) That this Hon’ble Court may be pleased to quash the F.I.R. bearing C.R.No. 316 of 2020 registered by the Respondent No.1 (Kurar Police Station) on 28th September, 2020”.

3. Learned counsel appearing for the applicants and the 2nd respondent submit that the applicants and the 2nd respondent have amicably settled the dispute. After reunion the 2nd respondent started residing with the applicant No.1. The applicant No.1 is residing in joint family of which applicant Nos. 2 and 3 are members.

4. An Affidavit is filed on behalf of the respondent No.2. The same is taken on record. It is stated in the affidavit that since the matter has been settled between herself and her husband, she started residing with her husband in matrimonial home. She has no objection if F.I.R. bearing C.R.No. 316 of 2020 under Sections 498-A, 324, 323, 504, 506 read with 34 of the Indian Penal Code is quashed.

5. The 2nd respondent is present before this Court. She stated that it is her voluntary act to agree for the settlement and give consent for quashing the impugned FIR.

6. Pursuant to the amicable settlement a 2nd respondent started residing with the applicant No.1 in matrimonial home in which the applicant Nos. 2 and 3 are also residing. We are of the view that no fruitful purpose will be served by continuing the further investigation / proceedings arising out of F.I.R. bearing C.R.No. 316 of 2020 referred herein above. The further continuation of the investigation / proceeding would be an abuse of the process of the Court and therefore, the application deserves to be allowed.

7. 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, 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 has also held inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court.

1 2012 (10) SCC 303

8. In the light of the discussion made in the foregoing paragraphs and keeping in view the affidavit filed by the 2nd respondent and the fact that 2nd respondent has started residing with the applicant No.1 pursuant to the settlement in the matrimonial home, we are inclined to allow this application. Accordingly, the application is allowed in terms of prayer Clause (a), which reads thus :

“(a) That this Hon’ble Court may be pleased to quash the F.I.R. bearing C.R.No. 316 of 2020 registered by the Respondent No.1 (Kurar Police Station) on 28th September, 2020”.

9. Rule is made absolute in the above terms.

10. The Criminal Application stands disposed of accordingly.

11. This judgment will be digitally signed by the Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this judgment.

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signed by
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Date:
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(M.S.KARNIK, J.)

(S.S.SHINDE, J.)