

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

WRIT PETITION NO. 3706 OF 2019

Sohail Anwar Vasta and Ors.

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

Mrs. Sangeeta S. Salvi for the Petitioner.

Mr. S.J.A. Nadeem for Respondent No. 2.

Mr. Ashok G. Sawant, PIS R A K Marg Police Station present.

Mr. F.R. Shaikh, APP for Respondent – State.

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

DATE : 11th MARCH, 2020

PER COURT :

1. Learned counsel appearing for the Petitioner prays for leave to amend. Leave granted. Amendment to be carried out forthwith.

2. **Rule.** Rule made returnable forthwith and heard with the consent learned counsels appearing for the parties.

3. The learned counsel appearing for the Petitioners and second Respondent submits that, parties have amicably settled the dispute and to that effect learned counsel appearing for the second Respondent has

tendered across the bar consent affidavit. Same is taken on record and marked 'X' for identification. Parties are identified by the counsel appearing for the respective parties.

4. Since the Petitioners and second Respondent have amicably settled the dispute arising out of matrimonial discord, continuation of further proceedings arising out of CR No. 497/2015 registered with R A K Marg Police Station, Mumbai for the offences punishable under Sections 498A, 406, 377, 354, 323, 504, 506 read with Section 34 of the Indian Penal Code, would be exercise of futility and wastage of time.

5. 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

¹ 2012 (10) SCC 303

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. Since the Petitioners and second Respondent have amicably settled the dispute and to that effect consent terms are placed on record. We are inclined to allow this Petition in terms of prayer clause 'b', which reads as under :-

b. The Hon'ble Court be pleased to issue the appropriate Writ, Order or Direction, thereby quashing and setting aside the impugned FIR along with chargesheet in C.R. no. 497 of 2015 registered with R A K Police Station, Mumbai against the Petitioners; and Police Case No. 712 of 2016 arising out of C.R. No. 497 of 2015 pending before Boiwada Court.

7. Rule made absolute in terms of prayer clause 'b'. Accordingly, the Writ Petition stands disposed of.

(V.G. BISHT, J.)

(S. S. SHINDE, J.)