

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

CRIMINAL APPLICATION NO. 1496 OF 2019

Hari Subhash Singh
Age- 37 Years, Occ- Business,
Office At: C-403, RNA, Royal Park,
M.G. Road, Kandivali (West), Mumbai- 400064. ...**APPLICANT**

Versus

1. The State of Maharashtra
(At the instance of M.R.A. Marg
Police Station at C.R. No. 114/2017)
2. Deepak Vadilala Shah
Age- 61 Years, Occ. Business,
Proprietor of M/s. Khyati Sales
Corporation, having Address at 103, Asian
House, 1st Floor, 118, Modi Street, Fort,
Mumbai- 400 001. ...**RESPONDENTS**

...

Ms. Sharon Patole a/w. Mr. Pravin Kamble i/b. ANP Chambers for Applicant.
Mr. Amar Gharte for Respondent No. 2.
Mr. V.B. Konde-Deshmukh, APP for State.
Mr. Deepak Shah- 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. Rule. Rule made returnable forthwith and heard with the consent
of learned counsel appearing for the parties.
2. This application is filed with following substantive prayer:-

(a) That the Hon'ble Court may be pleased to quash F.I.R. No. 114 of 2017 registered with M.R.A. Marg Police Station, on such terms and conditions as this Hon'ble Court may deem fit to grant as per the circumstances of the case'

3. Learned counsel appearing for the applicant and Respondent No. 2 jointly submits that, the parties have amicably settled the dispute and to that effect affidavit is filed by the Respondent No. 2. It is submitted that, since the parties have amicably settled the dispute, the application deserves to be allowed.

4. We have considered the submissions of the learned counsel appearing for the applicant and Respondent No. 2. We have carefully perused the affidavit filed by Respondent No. 2 and we are satisfied that the case is made out for allowing the application on the basis of said settlement. We have also interacted with the Respondent No. 2 through video conferencing and satisfied that it is his voluntary act to enter into the settlement and there is no coercion as such.

5. 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

¹ 2012 (10) SCC 303

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.

5. 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 in terms of prayer clause (a). During the course of hearing the learned counsel appearing for applicants on instructions submitted that, the applicant is ready to deposit Rs. 25,000/- (in words Rupees Twenty Five 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

6. In that view of the matter, the application is allowed in terms of prayer clause (a), subject to depositing Rs. 25,000/- (in words Rupees Twenty Five Thousand only) in the aforesaid account, within two weeks from today.

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

8. 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.)