

IN THE HIGH COURT OF BOMBAY AT GOA**Criminal Writ Petition No.2/2021**

Girish Santrambhai Agarwal

... Petitioner

Versus

State of Goa and anr.

... Respondents

Mr. Nisarg Trivedi with Mr. R. Rao, Advocates for the Petitioner.
Mr. S. Bhobe, Public Prosecutor for the State.

Coram:- M.S. SONAK &
SMT. BHARATI H. DANGRE, JJ.

Date:- 27th January, 2021

P. C.:

Heard Mr. Trivedi for the Petitioner, Mr. S. Bhobe, learned Public Prosecutor for the State and Col. Chadha, respondent no.3 who is present in person.

2. This is a petition seeking quashing of FIR registered against the petitioner being FIR No.104/2020 dated 26.07.2020 for offences punishable under Sections 420, 406 and 506(ii) of the Indian Penal Code, 1860 which is annexed as Annexure A to this petition.

3. To the petition is also annexed the Memorandum of Understanding (MOU) dated 06.01.2021 executed by the petitioner and respondent no.3 settling the disputes between themselves. One of

the clauses to this MOU states that the respondents will execute and file an affidavit supporting the petitioner's plea for quashing of FIR based on the complaint of respondent no.3.

4. Today, Col. Chadha – respondent no.3 is present in the Court and he tenders his affidavit dated 27.01.2021. Col. Chadha has stated in the affidavit that the disputes between himself and the petitioner are settled and therefore, he has no objection to quashing of the FIR. Col. Chadha states to this Court that he has no objection to the quashing of the FIR since the disputes between himself and the petitioner were personal in nature and have since been settled.

5. Mr. Trivedi, the learned counsel for the petitioner has handed over to Col. Chadha a Demand Draft for an amount of ₹9 lakhs. This is in terms of Clause 2 of the terms and conditions set out in the MOU. Col. Chadha has by now received a total amount of ₹11 lakhs.

6. Taking into consideration the law laid down by the Hon'ble Supreme Court in the case of Narinder Singh v. State of Punjab – (2014) 6 SCC 466, wherein it has been held that it is permissible for the High Court by invoking its inherent power to quash criminal proceedings involving non-compoundable offences in view of compromise/settlement arrived between parties in order to secure the ends of justice or to prevent abuse of the process of any Court. Since

in the present case, the parties have arrived at settlement and the offence involved is of personal nature and not an offence against the society, we are inclined to exercise our inherent power and quash the FIR in question. Since the said disputes have been amicably settled no useful purpose would be served in permitting any further investigation based on such FIR.

7. The petitioner has also agreed to deposit with the Goa State Legal Services Authority a sum of ₹25,000/- by way of costs. Mr. Trivedi points out that even a Demand Draft for this amount has been kept ready and will be deposited with the Registry of this Court today itself.

8. Accordingly, the FIR registered against the petitioner at Anjuna Police Station, District North Goa being No.104/2020 dated 26.07.2020 is hereby quashed and set aside.

9. The petition is disposed of in the aforesaid terms.

10. All concerned to act on the basis of an authenticated copy of this Order.

SMT. BHARATI H. DANGRE, J.

M. S. SONAK, J.