

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.661 OF 2021**

1. Dareppa Madappa Karle

2. Madappa Dareppa Karle

3. Mangal Madappa Karle

4. Nagesh Madappa Karle
All are R/o Isargunde Wasti,
Sakhar Karkhana Kumbhari,
Tal.South Solapur
District : Solapur

.. Petitioners

VERSUS

1. State of Maharashtra,
At the instance of Valsang
Police Station, Solapur Rural
Solapur
(C.R.No.140 of 2019)
Notice to be served on the A.P.P.
High Court, Mumbai.

2. Vaishali Dareppa Karle,
R/o. Isargunde Wasti,
Sakhar Karkhana Kumbhari,
Tal. South Solapur,
District Solapur.

.. Respondents

Mr.Ramdas H. Patel for the Petitioners.

Mr.Tushar L. Pimple for Respondent No.2.

Respondent No.2 present in Court.

Petitioner No.1 present in Court.

Mr.J.P.Yagnik, APP for the Respondent/State.

**CORAM : S.S.SHINDE &
MANISH PITALE, JJ.**

DATED : 15TH FEBRUARY, 2021

ORAL JUDGMENT (PER S.S.SHINDE, J.)

1. Rule. Rule made returnable forthwith. With the consent of learned counsel appearing for the parties, heard finally.

2. Learned counsel appearing for the petitioners and respondent No.2 jointly submit that the parties have amicably settled the dispute. Learned counsel appearing for respondent No.2, has tendered across the bar, affidavit on behalf of respondent No.2. Same is taken on record.

3. Para Nos.1 to 6 of the said affidavit read as under :-

“1. I say that I got married during the Lockdown with Petitioner No. 1 on 25.06.2020 as per Hindu Rites and Rituals at Isargunde Wasti, Sakhar Karkhana Kumbhari, Tal. South Solapur, District : Solapur. I say that the Petitioner No.1 is my husband, Petitioner Nos.2 and 3 my father-in-law and mother-in-law and Petitioner No.4 is my brother in law.

2. I say that due to misunderstanding and in a heat of anger I have filed the F.I.R. bearing C.R.No.279 of 2020 u/sec. 498-A, 323, 504, 506 r/w 34 of Indian Penal Code registered at Valsang Police Station, Solapur Rural, Solapur dated 16.08.2020 against the Petitioners for cruelty and harassment.

3. I say that my parents and relatives have amicably settled the disputes arose between me and Petitioners and at present I am residing with the Petitioners happily and 3 months pregnant from the Petitioner No.1. Hence, I have no grievance against the Petitioners.

4. I say that I have no objection for quashing of F.I.R. bearing C.R.No.279 of 2020 u/sec.498-A, 323, 504, 506 r/w 34 of Indian Penal Code registered at Valsang Police Station, Solapur Rural, Solapur dated 16.08.2020.

5. I say that I have agreed to withdraw the allegations made in the F.I.R. as the dispute between me and the Petitioners have been amicably settled. I say that I have no objection for quashing of F.I.R. on my own free will and without there being any pressure or coercion for the settlement and quashing of the F.I.R.

6. The affidavit is explained in Marathi to me and I have understood the contents of the affidavit, whatever herein above stated is true and correct to the best of my knowledge and belief except the legal submission.”

4. In order to ascertain from respondent No.2 as to whether settlement arrived at between the parties is with free will or under coercion, we interacted with respondent No.2. She stated that it is her voluntary act to enter into settlement and give consent for quashing the impugned FIR. It is stated that after the registration of FIR, in view of the settlement, petitioners and respondent No.2 are staying under one roof.

5. The Hon'ble Supreme Court in the case of **Gian Singh 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 offences 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

¹ 2012 (10) SCC 303

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 that 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.

6. Since the petitioners and respondent No.2 have amicably settled the dispute and petitioner No.1 and respondent No.2 are staying together in the matrimonial home, no fruitful purpose will be served by continuing further investigation of Crime No.279 of 2020 registered at Valsang Police Station, Solapur Rural, Solapur for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

7. In light of the discussion here-in-above, the petition deserves to be allowed. Accordingly, same is allowed in terms of prayer clause (b), which reads as under :-

“This Hon’ble Court be pleased to issue a writ of mandamus or certiorari or any other appropriate, writ/direction/order in the nature of writ of mandamus or certiorari under Article 226 of the Constitution of India, 1950 and also u/sec.482 of Criminal Procedure Code, thereby quash and set aside the F.I.R. bearing C.R.No.279 of 2020 u/sec. 498-A, 323, 504, 506 r/w 34 of Indian Penal Code registered at Valsang Police Station, Solapur Rural, Solapur dated 16.08.2020 against the Petitioners.”

8. Rule is made absolute in above terms. The writ petition stands disposed of accordingly.

(MANISH PITALE, J.)

(S.S.SHINDE, J.)