

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

Amk

WRIT PETITION NO. 1422 OF 2020

Prakash Sattappa Bandivedkar

.. Petitioner

Vs.

State of Maharashtra & Anr.

.. Respondents

Mr. Kuldeep Patil i/b Mr. Manish Kumar Singh for the Petitioner.

Ms. Sailee N. Dhuru for Respondent No.2.

Respondent No.2 present in Court.

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

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

DATE : 17th FEBRUARY, 2021.

P. C. :

1. Rule. Rule made returnable forthwith and heard with the consent of learned Counsel appearing for the parties.

2. Learned Counsel appearing for Petitioner and Respondent No. 2 jointly submits that the parties have amicably settled the dispute. Learned Counsel for 2nd Respondent tendered across the bar affidavit-in-reply. Same is taken on record.

3. 2nd Respondent is present before this Court. She stated that it is her voluntary act, without any coercion for entering into the said settlement and praying for quashing the impugned FIR.

4. Paragraphs No. 2 to 4 of the said affidavit read as under:

2. I say that, I never had any dispute with the present Petitioner and the present Petitioner have been added as an accused during the course of investigation. I say that I do not

have any grievance against the present Petitioner. In view of the aforesaid I have decided to amicably settle the matter with the present Petitioner and as such I do not desire to pursue the present criminal proceedings/ prosecution against the present petitioner. I therefore have no objection for quashing of F.I.R. and quashing of criminal case arising out of F.I.R. bearing C. R. No. 10 of 2020 registered with Gokul Shirgaon Police Station.

3. I am aware that the present petition is filed for quashing of the F.I.R. bearing C. R. No. 10/2020 registered Gokul Shirgaon Police Station, Kolhapur and all the proceedings arising out of the said C.R. I say that, I do not want to pursue the said F.I.R. and the criminal case arising out from the said F.I.R. against the petitioner and I have no objection if the present petition is allowed and the above referred F.I.R. bearing C. R. No. 10/2020 registered with Gokul Shirgaon Police Station, Kolhapur and the Criminal Case arising from the said F.I.R. is quashed and set aside against the present Petitioner.

4. I am filing this affidavit on my own free will without any fear or pressure or undue influence. Considering the fact that I have resolved the disputes with the Petitioner, I consent for allowing this petition as prayed by the Petitioner.

5. Since the parties have amicably settled the dispute and 2nd Respondent is not inclined to continue with the allegations made in the FIR and prayed for quashing the impugned FIR, no fruitful purpose would be served by continuing the further proceedings arising out of C. R. No. 10/2020 registered with Gokul Shirgaon Police Station, Kolhapur for the offences punishable under Sections 387, 506, 507 of the Indian Penal Code.

6. The Supreme Court in the case of **Giansingh v. State of Punjab and Another**¹ has held that, the criminal cases having overwhelmingly and

¹ 2012 (10) SCC 303

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 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 guideline engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any Court.

7. In view of the affidavit filed by 2nd Respondent and statement made before this Court that she does not wish to pursue the allegations in the FIR, the chances of conviction of the Petitioner appear to be to bleak. In that view of the matter to secure the ends of justice and prevent the abuse of process of the Court, prayer made in the Writ Petition is allowed subject to Rs.10,000/- to be paid by the Petitioner to the Bar Council of Maharashtra and Goa in Account No. 000110110013597 in Bank of India, Main Branch, Fort, Mumbai. Accordingly, prayer Clause (iv) reads as under:

(iv) Quash the FIR of C.R. No. 10 of 2020 registered at Gokul Shirgaon Police Station, Kolhapur in the interest of justice.

8. Rule made absolute in terms of above prayer. The Writ Petition stands disposed of.

9. We make it clear that unless Rs.10,000/- is deposited in the aforesaid account, this order will not be effected.

[MANISH PITALE, J.]

[S. S. SHINDE J.]

Arjun
M.
Kadam

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signed by
Arjun M.
Kadam
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