

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPLICATION NO.47 OF 2021**

1. Rajesh Deepak Tamore, ]  
R/o. 210/7, Mangelwad, ]  
Yogeshwar Mandir Road, Moti ]  
Daman, Daman & Diu. ]
2. Hitesh Deepak Tamore, ]  
R/o. 210/7, Mangelwad, ]  
Yogeshwar Mandir Road, Moti ]  
Daman, Daman & Diu. ]
3. Ganga Deepak Tamore, ]  
R/o. House No.538, Mukkam ]  
Post Gevali, Taluka Palghar, Dist. ]  
Thane. ]
4. Deepak Baburav Tamore, ]  
R/o. House No.538, Mukkam ]  
Post Gevali, Taluka Palghar, Dist. ]  
Thane. ]
5. Harishchandra Motilal Mangela ]  
R/o. Mangelwada, Phansa, ]  
Umargaon, Valsad, Gujarat. ]
6. Hiru Harishchandra Mangela, ]  
R/o. Mangelwada, Phansa, ]  
Umargaon, Valsad, Gujarat. ]

7. Akash Harishchandra Mangela, ]  
R/o. 210/7, Mangelwad, ]  
Yogeshwar Mandir Road, Moti ]  
Daman, Daman & Diu. ]
8. Yamuna Mangela ]  
R/o. 210/7, Mangelwad, ]  
Yogeshwar Mandir Road, Moti ]  
Daman, Daman & Diu. ] ... Applicants

Versus

1. The State of Maharashtra ]  
(At the instance of Dahanu Police ]  
Station.) ]
2. Divya Rajesh Tamore, ]  
R/o. Nandalaskar Chawl, Dahanu ]  
Gaon, Dahanu, District Palghar, ]  
Maharashtra. ] .... Respondents

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Mr. Durgesh P. Jaiswal with Mr. Harshal Damania for the applicants.

Ms. A.S. Pai, A.P.P. for respondent-State.

Mr. Gulestan M. Dubash for respondent No.2.

Respondent No.2 is present in the court.

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

**DATED : 11<sup>TH</sup> FEBRUARY, 2021.**

**ORAL JUDGMENT:- [S.S. Shinde, J.]**

1. Learned counsel appearing for the applicants prays for leave to amend the application.
2. Leave granted. Amendment to be carried out forthwith.
3. Rule. Rule made returnable forthwith. With the consent of learned counsel appearing for the parties, heard finally.
4. Learned counsel appearing for the applicants and respondent No.2 have submitted that the parties have amicably settled the dispute. Respondent No.2 has filed an affidavit to that effect. Paragraph Nos.4 to 6 of the said affidavit read as under:

*“4. I say and submit that the differences between the Applicants and the Respondents have been settled amicably without any undue influence, coercion, pressure on me and I am giving this Affidavit voluntarily and on my own will.*

*5. I say and submit that as the matter is settled between the parties, I do not wish to continue pursuing C.R. No.I-100 of 2019 dated 30<sup>th</sup> June 2019 registered with Dahanu Police Station for offences punishable u/s. 498A, 420 r/w 34 of the Indian Penal Code, 1860.*

*6. I say and submit that I have no objection if this Hon'ble Court allows the present Criminal Application of the Applicants and the said C.R.*

*No.I-100 of 2019 dated 30<sup>th</sup> June, 2019 registered with Dahanu Police Station for offences punishable u/s. 498A, 420 r/w. 34 of the Indian Penal Code, 1860 against the Applicants is quashed.”*

5. Respondent No.2 is present before this court. She has been identified by her counsel. She stated that it is her voluntary act to enter into the settlement and give consent for quashing the proceedings of C.R. No.I-100 of 2019 dated 30/06/2020 registered with Dahanu Police Station and R.C.C. No.309 of 2019 pending before the Civil Court, Junior Division, Dahanu.

6. Upon hearing the learned counsel appearing for the parties and the fact that respondent No.2 has voluntarily, without any coercion, entered into an amicable settlement, we are of the opinion that no fruitful purpose would be served by continuing the pending proceedings viz. C.R. No.I-100 of 2019 dated 30/06/2020 registered with Dahanu Police Station and R.C.C. No.309 of 2019 pending before the Civil Court, Junior Division, Dahanu.

7. The Supreme Court in the case of *Gian Singh v. State of Punjab & Anr.*<sup>1</sup> has held that the criminal cases having overwhelmingly and predominately civil flavour stand on a different footing for the purposes of quashing, particularly the

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<sup>1</sup> (2012) 10 SCC 303

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 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.

8. Having regard to the amicable settlement arrived at between the parties and in view of the affidavit filed by respondent No.2, we are of the opinion that the chance of conviction of the applicants is bleak and remote and, therefore, the continuation of further proceedings arising out of the said case would be an exercise in futility and would tantamount to abuse of process of the court.

9. In the light of the discussions in the foregoing paragraphs and in order to secure the ends of justice and to prevent the abuse of the process of the court, we are inclined to allow this application. Accordingly, the application is allowed in terms of prayer clause (B) of the application, which reads as follows:

*“(B) This Hon’ble Court may kindly quash Criminal Complaint being C.R. No.I-100 of 2019 dated 30<sup>th</sup> June, 2020 for offences punishable u/s. 498(A), 420 r/w 34 of the Indian Penal Code, 1860 with Dahanu Police Station filed against the present Applicants at the instance of the Respondent No.2 and R.C.C. No.309 of 2019 pending before Civil Court Junior Division, Dahanu.”*

10. Rule made absolute in the above terms.

11. The application stands disposed of accordingly.

(MANISH PITALE, J.)

(S.S. SHINDE, J.)