

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

CRIMINAL APPLICATION NO. 104 OF 2021

Satishkumar Singh & Others.

...Applicants

Versus

The State of Maharashtra & Anr.

...Respondents

...

Mr. Gautam T. Kanchanpurkar for applicants.

Mr. Abhijeet Kandarkar for Respondent No. 2.

Mrs. S.D. Shinde, APP for State.

...

**CORAM : S. S. SHINDE &
N. J. JAMADAR, JJ.**

DATE : 6th AUGUST, 2021.

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. Learned counsel for the applicants and 2nd respondent jointly submit that the parties have amicably settled the dispute. The Respondent No. 2 has filed the affidavit to that effect. It appears that on 16.02.2021, the 2nd respondent was present before this Court (Coram: S.S. Shinde & Manish Pitale, JJ.) and this Court had interacted with the Respondent No. 2 and it was stated by the said respondent that it is his voluntary act to enter into the settlement and join the prayer of applicants for quashing the impugned FIR/proceedings.

3. The parties are identified by their respective advocates. Learned counsel appearing for applicants and 2nd respondent jointly submit that as on today, there is no change in stand of the parties to resolve the dispute through amicable settlement.

4. Learned APP on instructions of concerned police station submits that there are no criminal antecedents at the credit of present applicants.

5. The Respondent No. 2 has filed the affidavit. Paragraphs 2 and 3 of the said affidavit read as under:-

2. I say that after registration of the said crime the applicants approached me and they proposed me to settle the dispute between us. I say that with the help of elders and reputed persons in the society we settled our dispute amicably out of the Court and therefore I have decided to resolve our dispute. Accordingly, the applicants agreed to give one flat. As agreed, the applicants have executed a registered agreement of sale in my favour by transferring Flat No. 206, Second floor, Wing F, area admeasuring about 333.90 Sp.ft i.e. 31.03 Sq. mtrs, Type A1 in the Building No. 02, known as 'Ideal Park' on 20/03/2020. The copy of said agreement is annexed with the Criminal Application at Exhibit-B.

3. I say that in the above circumstances, as the dispute between myself and the applicants has been amicably settled, I don't want to proceed

*further with the prosecution against the applicants. I thereby issue my **NO-OBJECTION** for quashing the crime bearing F.I.R. No. I-134 of 2019 dated 30/05/2019 registered with the Palhar Police Station against the applicants for the offences punishable under Section 420, 406, 34 of the Indian Penal Code and also the Regular Criminal Case No. 291 of 2019 on the file of the Learned Judicial Magistrate First Class, Palghar against the applicants.*

6. Since the parties have amicably settled the dispute and to that effect the 2nd respondent has filed the affidavit, no fruitful purpose will be served by continuing the further proceedings i.e. Regular Criminal Case No. 291 of 2019 pending on the file of learned Judicial Magistrate First Class, Palghar, arising out of FIR No. I-134 of 2019 dated 30/05/2019 registered with Palghar Police Station for the offences punishable under Section 420, 406 and 34 of Indian Penal Code.

7. Since the 2nd respondent has joined the prayer of applicants for quashing the impugned FIR/prosecution, the Respondent No. 2 will not going to support the allegations in the FIR and hence, the chances of conviction of applicants are bleak and remote.

8. The Supreme Court in the case of Giansingh v. State of Punjab and Another¹ 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 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.

1 2012 (10) SCC 303

9. In the light of discussion in foregoing paragraphs, to secure the ends of justice and prevent the abuse of the process of the Court, the application deserves to be allowed. Accordingly, the application is allowed in terms of prayer clause (b) and (c), which read thus:-

(b) To quash and set aside Crime bearing F.I.R. No. I-134 of 2019 dated 30/05/2019 registered with the Palghar Police Station against the applicants for the offences punishable under Section 420, 406, 34 of the Indian Penal Code;

(c) To quash and set aside the Regular Criminal Case No. 291 of 2019 on the file of the Learned Judicial Magistrate First Class, Palghar against the applicants;

10. Rule made absolute to aforesaid extent. The application stands disposed of.

11. Parties to act upon an authenticated copy of this order.

(N. J. JAMADAR, J.)

(S. S. SHINDE, J.)