

Mandira
Salgaonkar

Digitally signed
by Mandira
Salgaonkar
Date: 2021.03.02
17:16:24 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1001 OF 2021

Srinivasan Ravindran Sarma	]	
Residing at A/105, Supernal Gardens,	]	
Dhokali Naka, Kolshet Road,	]	
Thane (West) – 400 607	]	.. Petitioner

VERSUS

1. State of Maharashtra	]	
	]	
2. Mrs.Neeta Srinivasan Sarma	]	
Residing at 1 st Floor, 'B' Wing,	]	
101, Violet Apartment, Near Janta	]	
Sahakari Bank, Murbad Road	]	
Syndicate, Kalyan (West)-421301	]	.. Respondents

Ms.Priyanka S. Sangare for the Petitioner.

Ms.Sana Hakim for Respondent No.2.

Respondent No.2 present in Court.

Mr.J.PYagnik, A.P.P. for the Respondent
No.1/State.

PSI Manjusha V. Shelar, MFC Police Station
present.

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

DATED : 01st MARCH, 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. It is common contention of the learned counsel appearing for the petitioner and respondent No.2 that the parties have amicably settled the dispute and to that effect, consent terms are placed on record before the learned Civil Judge, Senior Division, Kalyan.

3. Learned counsel appearing for respondent No.2 had tendered across the bar, affidavit of respondent No.2. Same is taken on record. In the said affidavit, details of the settlement are averred. Respondent No.2 is present before the Court. She has been identified by her counsel. She has stated that it is her voluntary act to enter into such settlement and pray for quashing of the impugned FIR and proceedings arising out of the said FIR, in view of the consent terms filed before the court of Civil Judge, Senior Division, Kalyan.

4. 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 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

¹ 2012 (10) SCC 303

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.

5. Since the parties have amicably settled the dispute, respondent No.2 is not going to participate in the said proceedings and chances of the conviction of the petitioner would be bleak and remote and, therefore, further continuation of the proceedings in RCC No.730 of 2017 pending before the Judicial Magistrate First Class, Kalyan for the offences punishable under Sections 498-A, 495, 504 of the Indian Penal Code, would be an exercise in futility and would tantamount to abuse of process of the Court.

6. In that view of the matter, to secure the ends of justice and to prevent the abuse of the process of the court, the petition deserves to be allowed. Accordingly, the proceedings bearing RCC No.730 of 2017 pending before the Judicial Magistrate First Class, Kalyan for the offences punishable under Sections 498-A, 495, 504 of the Indian Penal Code are quashed and set aside.

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

(MANISH PITALE, J.)

(S.S.SHINDE, J.)