

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

Amk

WRIT PETITION NO. 27 OF 2021

Rishi Harinder Idnani & Ors. .. Petitioners
Vs.
Neha Rishi Idnani @ Ms. Neha
Mohandas Khilwani & Anr. .. Respondents

Mr. Girish R. Agarwal for the Petitioners.
Mr. Girish Paryani i/b A & G Legal Associates LLP for Respondent No.1.
Respondent No.1 present in Court.
Dr. F. R. Shaikh, 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 the Petitioners and 1st Respondent jointly submits that the parties have amicably settled the dispute and to that effect consent terms were filed before the Civil Court Senior Division, Kalyan which were instituted by the 1st Respondent for dissolution of marriage. The concerned Court has passed the decree and dissolved the marriage on 22.12.2020.
3. 1st Respondent is present before this Court. She stated that it is her voluntary act to enter into the said settlement and file the consent terms before the Civil Court Senior Division, Kalyan. She has received Rs.20,00,000/- as

a part of settlement. She joins the prayer of the Petitioner to quash the FIR.

4. Learned Counsel appearing for the 1st Respondent has tendered across the bar affidavit on record. The same is taken on record. In paragraph 8 of the affidavit it is stated that she has no objection if the FIR No. 0451 of 2019 registered on 28.09.2019 for the offence punishable under Sections 498-A, 406, 323, 504 and 506 of the Indian Penal Code with Central Police Station, Ulhasnagar is quashed against all the accused. It is further stated that 1st Respondent has no grievance of any nature whatsoever against the Petitioners.

5. In view of the settlement between the parties and subsequent developments of dissolution of marriage and the affidavit filed today by 1st Respondent joining the prayer of the Petitioners for quashing the FIR, no fruitful purpose would be served for continuing the investigation in the aforesaid FIR. In view of the matter, the Petition deserves to be allowed.

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 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 resolves

¹ 2012 (10) SCC 303

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 the light of the above discussion, to secure the ends of justice and prevent the abuse of the process of the Court, the Petition deserves to be allowed.

8. Rule made absolute on above terms. Accordingly, the Petition is allowed in terms of prayer Clause (b) which reads as under:

(b) Hon'ble Court be pleased to quash and set aside the FIR No. 0451 dated 28.09.2019 registered with Central Police Station, Ulhasnagar-3 for offences under Section 498-A, 323, 504, 506 and 406 of the Indian Penal Code.

Writ Petition is disposed of.

[MANISH PITALE, J.]

[S. S. SHINDE J.]

Arjun
M.
Kadam

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Arjun M.
Kadam
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