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

CRIMINAL WRIT PETITION NO. 208 OF 2019

1. Vikas Vinayak Deodhar
Indian, Adult, presently
residing at 2503, Shreeji Heights,
T.H. Kataria Marg,
Opp. Ganga Vihar Hotel, Matunga,
(West), Mumbai- 400 016.
2. Santosh Vikas Deodhar
Indian, Adult, also residing at
2503, Shreeji Heights,
T.H. Kataria Marg,
Opp. Ganga Vihar Hotel, Matunga,
(West), Mumbai- 400 016.

...PETITIONERS

Versus

1. The State of Maharashtra
Through Senior P.I. Dadar
Police Station, Mumbai 400028.
2. Ajay Shankar Kadam
7/322 Shiv Kiran CHS, Shivaji Nagar,
Worli, Dr.A.B. Road, Mumbai- 400 030.

...RESPONDENTS

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Ms. Shaba N. Khan i/b. Govilkar & Associates LLP for Petitioners.
Mr. Rajesh Devgharkar for Respondent No. 2.
Mr. Deepak Thakre, PP a/w. Mrs. M H Mhatre, APP for State.
Respondent No. 2 is present.

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

DATE : 9th MARCH, 2021.

ORAL JUDGMENT [PER S.S. SHINDE, J.]:

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

2. Learned counsel appearing for the petitioners and Respondent No. 2 jointly submits that the parties have amicably settled the dispute. Learned counsel appearing for the Respondent No. 2 has tendered across the bar, affidavit of Respondent No.2, the same is taken on record. Paragraphs 1 to 3 of the said affidavit reads as under:-

1) I say that it is true that the Respondent No. 2 and Petitioner No. 1 & 2 have settled all their disputes by Signing Consent Terms dated 9th March, 2021, on the terms & conditions as more particularly set out in the said Consent Terms dated 9th March, 2021.

2) I hereby give my Consent for quashing of FIR No. 291 of 2018 u/s. 420 r/w 34 of Indian Penal Code lodged by me in Dadar Police Station, Mumbai. I further say that I have no objection if this Hon'ble Court quashes the said FIR.

3) I am executing this affidavit to place the above facts on record and to enable Petitioners and Respondent No. 2 to seek and order of quashing of FIR No. 291 of 2018 from this Hon'ble Court.

3. Respondent No. 2 is present before this Court. He stated that it is his voluntary act to enter into the settlement and give consent for quashing the impugned FIR. Demand draft of Rs. 10,00,000/- is received by the advocate for the 2nd respondent and in turn he has handed over the said demand draft to Respondent No. 2 who is present in the Court. The Respondent No. 2 has stated that his grievance is satisfied and he has no objection for quashing the impugned FIR. Since the parties have amicably settled the dispute and 2nd respondent has joined the prayer of the petitioners for quashing impugned FIR, the further continuation of proceedings arising out of FIR No. 291 of 2018 dated 29.11.2018 registered with Dadar Police Station for the offences punishable under Section 420 read with 34 of IPC, would tantamount to the abuse of the process of the concerned Court.

4. 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.

5. In the light of discussion in foregoing paragraphs, to secure the ends of justice and prevent the abuse of the process of the law/court, the petition deserves to be allowed. Accordingly, the writ petition is allowed in terms of prayer clause (b), which reads as under:-

b) after going through the same, the said CR/FIR 291 of 2018 dated 29.11.2018 with the Dadar Police Station be quashed and set aside.

6. The writ petition stands disposed of.

(MANISH PITALE, J.)

(S. S. SHINDE, J.)