

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

**CRIMINAL WRIT PETITION NO. 871 OF 2020**

Mudassir Ashraf Ali Sawant & Ors

...Petitioners

**Versus**

The State of Maharashtra & Anr.

...Respondents

...

Mr. Vishal Jaju i/b. Mr. A.S. Chavan for Petitioners.

Ms. Ambreen Sheikh complainant present thorough video conferencing.

Mr. Pankaj S. Pandey for Respondent No. 2.

Mr. Deepak Thakre, PP a/w. Mr. S.R. Shinde, APP for State.

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

**DATE : 24<sup>th</sup> JUNE, 2021.**

**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. This petition is filed with following prayer:

*(C) That this Hon'ble Court may be pleased to quash and set aside FIR dated 16.08.2019 being C.R. NO. I-668 of 2019 registered by Mumbra Police Station, Thane for alleged offences under section 498(A), 406, 323, 504, 506(2) & 34 of Indian Penal Code against the Petitioners.*

3. Learned counsel appearing for the petitioners and Respondent No. 2 jointly submits that the Petitioner No. 1 and Respondent No. 2 are staying together since last three months.

4. We have interacted with the Petitioner No. 1 and Respondent No. 2. In one voice they stated that they are staying together and enjoying peaceful life.

5. The consent terms between the petitioners and Respondent No. 2 are placed on record.

6. In view of consent terms arrived between the parties and interaction with Petitioner No. 1 and Respondent No. 2, no fruitful purpose would be served by continuing the further investigation of C.R. No. I-668 of 2019, registered by Mumbra Police Station, Thane for alleged offences under section 498(A), 406, 323, 504, 506(2) & 34 of IPC.

7. The Supreme Court in the case of **Giansingh v. State of Punjab and Another**<sup>1</sup> 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

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

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.

8. In the light of discussion in foregoing paragraphs, the petition deserves to be allowed. Accordingly, the writ petition is allowed in terms of prayer clause (C). Rule is made absolute in above terms. The writ petition stands disposed of.

( N. J. JAMADAR, J.)

(S. S. SHINDE, J.)