

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

Amk

WRIT PETITION NO. 1118 OF 2021

Manan Mukesh Doshi & Ors. .. Petitioners
Vs.
The State of Maharashtra & Ors. .. Respondents

Mr. Vijay Upadhyay for the Petitioners.
Ms. Asha Kanzariya for Respondent No.2.
Respondent No.2 present in Court.
Mr. V. B. Kondedeshmukh, APP for the Respondent-State.

CORAM : S. S. SHINDE & MANISH PITALE, JJ.
DATE : 4th MARCH, 2021.

P. C. :

1. Rule. Rule made returnable forthwith and heard with the consent of learned Counsel appearing for the parties.
2. It is submitted by the learned Counsel for the Petitioners and 2nd Respondent that the parties have amicably settled the dispute and to that effect consent terms are filed before the Family Court at Bandra, Mumbai. 2nd Respondent has filed the affidavit-in-reply. Paragraphs 5 to 7 of the said affidavit read as under:

5. I hereby confirm that all my claims have been fully settled by the Petitioner herein and I do not have other claim for compensation, maintenance or any other liabilities remaining to be paid by the Petitioner, who have fully paid and satisfied all my claims and claims. The parties shall not lodge complaints of similar dispute in future against each other.

6. I have arrived at a binding understanding with the

Petitioners that both myself and the Petitioners shall not publicize and/or make any disclosure whether orally or in writing against each other publically or in near relatives and shall ensure that no harm to reputation is caused to either party and Petitioner No.01 has agreed to appear before court for consent for Final Divorce and the Decree of Divorce.

7. Upon such conditions to be recorded and undertaking being accepted by this Hon'ble Court, I hereby out of my own free will and consent convey my no objection, if the present Petition is allowed and the subject FIR bearing No. 30 of 2021 registered with Kandivali Police Station, Mumbai for offences u/s 498(A), 377, 323, 504, 506 read with Section 34 of the Indian Penal Code filed by me with Respondent No.1 against the Petitioners be quashed.

3. 2nd Respondent is present before this Court. We have interacted with her. She stated that it is her voluntary act to enter into settlement and join the prayer of the Petitioner for quashing the impugned FIR.

4. Since Respondent No. 2 is not interested to pursue the allegations in the FIR and joined the prayer of the Petitioners for quashing the FIR, no fruitful purpose would be served by continuing the investigation in Crime No. 30 of 2021 registered with Kandivali Police Station, Mumbai for the offence punishable under Section 498(A), 377, 323, 504, 500, 506 read with Section 34 of the Indian Penal Code.

5. 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 resolves 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.

6. In the light of discussion in foregoing paragraphs in order to

¹ 2012 (10) SCC 303

secure the ends of justice and prevent the abuse of the process of Court, the Petition deserves to be allowed in terms of prayer Clause

(a) which reads as under:

(a) This Hon'ble Court by invoking its inherent jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 may be pleased to quash and set aside the impugned FIR bearing No. 30 of 2021 registered with Kandivali Police Station, Mumbai for offences under Sections 498(A), 377, 323, 504, 500, 506 read with Section 34 of the Indian Penal Code.

7. Accordingly, the Petition is allowed. Rule made absolute on above terms.

8. Parties shall strictly abide by the consent terms filed before the Family Court at Bandra, Mumbai and attend the dates fixed by the Family Court without any default unless there is exceptional reasons of such absence of appearance before the Court.

9. Parties to act on the authenticated copy of this order.

[MANISH PITALE, J.]

[S. S. SHINDE J.]

Arjun
M.
Kadam

Digitally
signed by
Arjun M.
Kadam
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