

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.412 OF 2020

- 1]

Pradeep Kantital Shrishrimal
of Hindu, Indian Inhabitant,
Age : about 38 yrs. Occ : Business,
Residing at 202A, Right Galaxy
Sodawala Lane, Opp. Sunita Park
Boriwali (W), Mumbai – 400 092

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- 2]

Kantilal Gulabchand Shrishrimal
of Hindu, Indian Inhabitant,
Age : about 67 yrs. Occ. Business.
R/a Near SBI Bank, Old Agra Road,
Ghoti, Taluka – Igatpuri, Dist. Nashik

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- 3]

Ashish Chandulal Parmar
Age : about 45 yrs. Occ : Doctor,
Residing at 201-C, Porwal Complex,
60 feet road, Bhayander (W), Mumbai

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- 4]

Narangi Kantilal Shrishrimal
Age : about 65 yrs., occ : Housewife,

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- 5]

Nancy M. Raka
Age about 38 yrs, Occ : Doctor
Residing at 202A, Right Galaxy,
Sodawala Lane, Opp. Sunita Park
Boriwali (W), Mumbai – 400 092

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- 6]

Sangeeta Ashish Parmar
Age about 45 yrs. Occ : Doctor,
Residing at 201-C, Porwal Complex,
60 feet road, Bhayander (W), Mumbai.

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-]
- Applicants.

versus

- 1]

Shweta Pradeep Shrishrimal
Hindu, Indian Inhabitant,
Age about 37 yrs, Occ : Housewife,

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Residing at Flat No.604, E-Building,]
Shankar Maharaj CHS, Munjeri]
Bibvewadi, Pune – 411037]
2] State of Maharashtra]
(through the Public Prosecutor, High]
Court, Mumbai – 400 032)]..... Respondents.

Mr. Rajesh M Patil i/by Kiran Jain & Co. for the Applicants.

Mr. Santaram Tarale for Respondent No.1.

Dr. F R Shaikh, APP for the Respondent/State.

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

DATE : 12th JANUARY 2021

JUDGMENT (PER S S SHINDE, J)

1 Rule. Rule made returnable forthwith, with the consent of the parties and heard finally.

2 This Application is filed for the following substantial relief :-

(a) this Hon'ble Court be pleased to quash the Complaint bearing FIR No.147/2016 and Chargesheet No.118/2017 and all proceedings in Session Case No.252/2018 pending before the Ld. Court of Assistant Session Judge at Pune;

3 Learned Counsel appearing for the applicants and Respondent No.2 jointly submit that the parties have amicably settled the dispute. Applicant No.1 and Respondent No.1 have filed the Consent Terms before the Family Court at Bandra, Mumbai.

4 The 1st Respondent has filed her affidavit before this Court. The same is taken on record. The 1st Respondent is personally present before this Court. On a specific query to her whether such an amicable settlement has arrived at on her own free will, without any coercion and she has no objection for quashing the FIR, she has stated that on her own will she has entered into such amicable settlement and she has not no objection for quashing the FIR.

5 In her affidavit, the 1st Respondent has stated that the dispute between her and the applicants is of civil nature not involving public policy and now the matter has been amicably settled between the parties, and that there are no claims or grievances of whatsoever nature between the parties, therefore, she has no objection to quash the impugned FIR.

6 Applicant No.1 has also filed affidavit. He is personally present before this Court. On a specific query to him, he has stated that he will abide by the Consent Terms and the averments and commitments made in the affidavit.

7 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,

¹ 2012 (10) SCC 303

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 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.

8 Since the Applicants and the Respondent No.1 have amicably settled the dispute, no purpose would be served in continuing the further proceedings of Sessions Case No.252/2018 and Chargesheet No.118/2017. We are therefore inclined to allow this Application as Respondent No.1 is not going to support the allegations in the impugned FIR and chance of conviction of the Applicants would be remote and bleak, and therefore, continuation of further proceedings arising out of the said FIR, would be an exercise in futility and would tantamount to abuse of process of the Court.

9 In that view of the matter, to secure the ends of justice and to prevent the abuse of the process of the Court, the Application deserves to be allowed and the same is allowed in terms of prayer clause (a) which reads thus:-

- (a) this Hon'ble Court be pleased to quash the Complaint bearing FIR No.147/2016 and Chargesheet No.118/2017 and all proceedings in Session Case No.252/2018 pending before the Ld. Court of Assistant Session Judge at Pune;

Rule is made absolute in aforesaid terms. The Criminal Application stands disposed of accordingly.

[MANISH PITALE, J]

[S. S. SHINDE , J]