

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

CRIMINAL WRIT PETITION NO.1262 OF 2021

Sundareshwaran K. (Suresh) Iyer
r/at H/9/7, Godrej Hill Side Colony, Vikhroli ... Petitioner
(West), Mumbai - 400079

Vs.

1) State of Maharashtra
Park Site Police Station, Vikhroli, Mumbai

2) Sangeeta Sundareshwaran K. (Suresh) Iyer ... Respondents
practising advocate, r/at Mr.R.S.Soni, C-414,
Golf Scappem, Near Sunny Estate, Chembur,
Mumbai- 400071

Dr.Uday P. Warunjikar i/b Ms.Asmita S. Jaiswal for the Petitioner

Dr.F.R. Shaikh, APP, for Respondent No.1 – State

Mr.Anil Lalla i/b Lalla & Lalla for Respondent No.2

Ms.Sangeeta Iyer, Respondent 2 – present through V.C.

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

DATED: APRIL 20, 2021

ORAL JUDGMENT (Per S.S. Shinde, J.)

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

2. This Writ Petition is filed for the following substantive prayer:

“a) that this Hon’ble Court may kindly be pleased to quash the FIR No.365 of 2011, u/s 498-A, 406 read with 34 of I.P.C. in the interest of justice.”

3. Learned Counsel appearing for the Petitioner and Respondent No.2 jointly submit that the parties have amicably settled the dispute and to that effect, consent terms have been entered into and are on record. It is stated in the consent terms dated 5th January, 2021 that both the parties have agreed to withdraw all allegations against each other and that they have further agreed not to claim anything against each other after the consent terms are executed. They have further agreed that there will be a lumpsum payment of Rs.22 lakhs, which shall be paid by the husband to respondent No.2 in three installments.

4. The parties are identified by their respective Counsel appearing for them.

5. We have interacted with Respondent No.2 through video conferencing and she has stated that it is her voluntary act to enter into the consent terms and settlement. She has further stated that her act to enter into such settlement and praying therein for

quashing the impugned FIR, is without any coercion. She has stated, in our interaction through video conferencing today, that she has received the amount of Rs.22 lakhs, as per consent terms.

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 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

1 2012 (10) SCC 303

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. Since the petitioner and Respondent No.2 have amicably settled the dispute not only in the present proceedings but before the learned Metropolitan Magistrate, 31st Court, Vikhroli, Mumbai in C.C. No.1022/PW/2012, Respondent No.2 is not going to support the allegations in the impugned FIR and 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.

8. In that view of the matter, to secure the ends of justice and to prevent the abuse of the process of the Court, the petition deserves to be allowed.

9. Rule made absolute in terms of prayer clause (a) as mentioned above. The Criminal Writ Petition stands disposed off accordingly.

(MANISH PITALE, J.)

(S.S. SHINDE, J.)