

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

CRIMINAL WRIT PETITION NO. 2175 OF 2021

Sandhu Sarwan Singh Santok Singh ...Petitioner

Versus

The State of Maharashtra & Anr. ...Respondents

...

Mr. Krishna R.P. i/by. Mr. Manish Rai for Petitioner.

Mr. K.V. Saste, APP for State.

None for Respondent No. 2.

...

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

DATE : 11th AUGUST, 2021.

ORAL 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. Learned counsel for the petitioner submits that the parties have amicably settled the dispute. Respondent No. 2 has filed the affidavit. This Court interacted with the Respondent No. 2 on 19th June, 2021. Therefore, learned counsel for the petitioner submits that the petition may be disposed of keeping in view the consent terms between the parties.

3. The order dated 19th June, 2021 passed by this Court is reproduced herein below.

. Heard the learned counsel for the parties.

2. The First Informant Mr. Surendra Bansal, Respondent No. 2 is present through Video Conferencing.

3. The Petitioner and Respondent No. 2 submit that they have settled the dispute.

4. Mr. Surendra Bansal, Respondent No. 2 has filed an affidavit. He is identified by Advocate Mr. Mangle.

5. Respondent No. 2 states that he has voluntarily entered into the settlement and there is no duress. He intends to settle the dispute with the Petitioner out of his own volition.

6. The Respondent No. 2 further submits that in accordance with the terms of settlement, he has executed the agreement for sale of the subject premises in favour of the Petitioner-accused. A copy of the agreement is also tendered.

7. Mr. Saste, the learned APP for the State, seeks time to take instructions as regards the antecedents of the Petitioner and the progress of the investigation as regards the unknown accused.

8. List on 6th July, 2021.

4. Respondent No. 2 has filed the affidavit. Para 2 to 7 of said affidavit read as under:-

2. I say that I am an owner of premises bearing no. KL-6, Building no. 15, Flat no. 9, 2nd Floor, Kalamboli, Navi Mumbai, admeasuring 54 Sq.Mtr.

3. I say that the suit premises

allegedly transferred in favour of the Petitioner by executing forged documents and I have filed complaint in respect of the same.

4. I say that in the meantime a meeting was held between the Petitioner and me where the Petitioner explained me circumstances under which the said agreements executed in favour of the Petitioner by Shyamsunder Gupta and person claiming himself to be Mr. Surendra Ramchandra Bansal an owner of the said premises and fact that the Petitioner has paid Rs. 4,25,000/- to the said person.

5. As the Petitioner is residing in the said premises with his family, the Petitioner shown readiness and willingness to me consideration in respect of the said premises and requested me to execute registered agreement in favour of the Petitioner. I agreed for the same.

6. Under the said circumstances as the Petitioner has not executed any forged document and as dispute between me and the Petitioner is amicably settled, I agreed to withdraw all allegations against the Petitioner and to quash FIR registered against the Petitioner.

7. I say that I have no objection to quash FIR no. 225 of 2019 registered u/s. 406, 420, 465, 468, 471 and 448 with the Kalamboli Police Station against the Petitioner.

5. Since the parties have amicably settled the dispute and Respondent No. 2 has filed the affidavit thereby giving no objection for quashing the Regular Criminal Case No. 668 of 2020 pending

before the Ld. JMFC, Panvel, in connection with FIR No. 225 of 2019 registered under Sections 406, 420, 465, 468, 471 and 448 of the IPC with Kalamboli Police Station, no fruitful purpose would be served, by continuing the aforesaid proceedings. Further continuation of aforesaid proceeding would be an exercise in futility. Respondent No. 2 is not going to support the prosecution case and chances of conviction of petitioner are remote and bleak.

6. 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 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

¹ 2012 (10) SCC 303

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.

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

a. That this Hon'ble Court may be pleased to quash and set aside Fir no. 225 of 2019 registered u/s. 406, 420, 465, 468, 471 and 448 of the Indian Penal Code with the Kalamboli Police Station along with charge-sheet therein;

b. That this Hon'ble Court may be pleased to quash and set aside Regular Criminal case no. 668 of 2020 pending before the Ld. JMFC, Panvel, in connection with Fir no. 225 of 2019 registered u/s. 406, 420, 468, 468, 471 and 448 of the Indian Penal Code with the Kalamboli Police Station;

8. Rule is made absolute to above extent. The writ petition stands disposed of.

(N. J. JAMADAR, J.)

(S. S. SHINDE, J.)