

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

WRIT PETITION NO. 1643 OF 2021

1. Manmohan Singh s/o Hardial Singh
2. Satnam Singh s/o Manmohan Singh Petitioners

Vs.

1. The State of Maharashtra
2. Sunil Ramkirat Gupta Respondents

...

Mr. D.V. Saroj for Petitioners.
Mr. Deepak Thakre, P.P. a/w Mr. J.P. Yagnik, APP for State.
Mr. S.H. Pasi for Respondent No.2
Respondent No. 2 present in Court.

**Coram : S.S. SHINDE AND
MANISH PITALE, JJ.**

Date : 3rd APRIL, 2021

P.C.:

1. Heard. Rule. Rule made returnable forthwith with consent of the parties.
2. Learned counsel appearing for the Petitioners and 2nd Respondent jointly submits that the parties have amicably settled the dispute and prayed for quashing of the impugned F.I.R.. Learned

Counsel appearing for 2nd Respondent, Mr. Pasi has tendered across the bar affidavit of Respondent No. 2. Same is taken on record. Para 2 to 7 of the said affidavit reads as under :

“2. I say that the Petitioners had supplied the chemical product was not up to standard quality, therefore, I suffered loss amount Rs.33,17,283/- (Rs. Thirty Three Lakhs Seventeen Thousand Two Hundred Eighty Three Only) and thereafter the Petitioners had compensate lumpsum amount Rs.19,00,000/- (Rs. Nineteen Lakhs Only) and paid to Rs.10,00,000/- (Rs. Ten Lakhs Only) as on 15/02/2021 by cheque No. 313454 withdrawn from Bank of India Branch- Model Town, Punjab, same was honoured on date and balance Rs.9,00,000/- (Rs. Nine Lakhs Only) paid as on 12/03/2021 by RTGS as of now there is no dues pending against the Petitioners and I had settled the matter amicably without any undue pressure and I am aware that the present Petitioners has preferred the Writ Petition No. 1643 of 2021 for quashing of the pending criminal proceedings arising out of the above mentioned FIR, before this Hon’ble High u/s 482 of the Criminal Procedure Code, 1973.

3. I say that the matter/case is resolved peacefully and amicably between us. The dispute is purely based on misunderstandings; however it has been mutually settled amongst us in the interest of justice and in the interest of peace and harmony to prevail in society.
4. Further I say that the dispute which is the subject matter of the complaint between the Petitioners and me is private in nature and, I am the only aggrieved party in the said dispute and have agreed to mutually settle the said dispute. That no part of fraction of the society has been affected or aggrieved from the alleged offences which form the subject matter of the said complaint.
5. Further I say that, I wish to continue day to day life without any hassle of a personal matter. Thus I give my complete support and consent for the above-mentioned FIR and the proceedings arising out of it to be quashed and set aside, in the interest of justice and equity.

6. That I do not intend to continue even for a moment the said proceedings out of my own free will without any pressure, whatsoever.

7. Therefore, this short affidavit in support of Application for quashing of proceedings F.I.R. in Crime No. I-140/2020 dated 24/06/2020 registered with Mira Road Police Station, District Thane, before this Hon'ble Court to secure the **'ends of justice'**.

3. The 2nd Respondent is present before the Court. He stated that it is his voluntary act to enter into the settlement and join the prayer of the Petitioners to allow the petition in terms of prayer clause (a). He has received entire amount which was due and payable by the Petitioners.

4. Since the 2nd Respondent has settled matter with the Petitioners and therefore he is not going to support the allegations in the F.I.R. Therefore, further investigation of Crime No.140 of 2020 dated 24th June, 2020 registered with Mira Road Police Station under Sections 420, 504 and 506 and 34 of Indian Penal Code would tantamount to

the abuse of the process of the law/Court, since the chances of conviction of the accused i.e. the Petitioners would be bleak and remote.

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 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

¹ 2012 (10) SCC 303

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 secure the ends of justice, the petition deserves to be allowed. However, subject to payment of costs.

7. Accordingly, rule made absolute in terms of prayer clause (a), which is reproduced hereinbelow, subject to deposit of costs of Rs.50,000/- by the Petitioners in the Account of Children Aid Soc. Donation, bearing Account No. 02370100005612 in UCO Bank, Matunga Branch, Mumbai (IFSC Code) UCBA0000237.

(a) This Hon'ble Court be pleased to quash the F.I.R. dated 24.06.2020 filed by the Respondent No.2 herein which is registered as C.R. No. I-140 of 2020 with Mira Road Police Station, District Thane, on such terms and conditions as this

Hon'ble Court deem fit and proper in the facts and circumstances of the case”.

8. The deposit of such costs is condition precedent for allowing this petition in terms of prayer clause (a). Such costs would be deposited within four weeks from today. On depositing such costs, proof of such deposit amount shall be reported to the Deputy Registrar, Legal & Research, High Court of Bombay.

9. The petition stands disposed of accordingly.

10. List the matter under the caption “Compliance of Directions” on **3rd May, 2021**.

(MANISH PITALE, J.)

(S.S. SHINDE, J.)