

Mandira
SalgaonkarDigitally signed by
Mandira
Salgaonkar
Date: 2021.02.16
17:50:50 +0530**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.431 OF 2020**

- | | | |
|---------------------------------------|---|-----------------------|
| 1. Pratik Indrajit Kukreja |] | |
| Age 29 Years, Occ. Service |] | |
| |] | |
| 2. Smt. Sujata Pratik Kukreja |] | |
| @ Sujata Ratan Nikam |] | |
| Age 25 Years, Occ. Service |] | |
| Both R/At 15, Vastushilpa, Opp. Naka |] | |
| No.6, Lam Road, Deolali, Nashik – 422 |] | |
| 401. |] | ... Applicants |

Versus

- | | | |
|--|---|------------------------|
| 1. The State of Maharashtra, |] | |
| [Through the Police Inspector, Upnagar |] | |
| Police Station, Nashik.] |] | |
| |] | |
| 2. Smt. Priya Indrajit Kukreja |] | |
| Aged Adult, Occ. Household |] | |
| R/at 15, Vastushilpa, Opp. Naka No.6, |] | |
| Lam Road, Deolali, Nashik – 422 401. |] | ... Respondents |

Mr. Sachin Gite for the Applicants.

Mr. Deepak Thakare, Public Prosecutor for
respondent-State.

Ms. Chaitrali Deshmukh for respondent No.2.

Respondent No.2 is present in the court.

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

DATED : 11TH FEBRUARY, 2021.

ORAL JUDGMENT (PER S.S. SHINDE, J.)

1. Learned counsel appearing for respondent No.2 has tendered across the bar, affidavit-in-reply. Same is taken on record.
2. Rule. Rule made returnable forthwith. With the consent of learned counsel appearing for the parties, heard finally.
3. Applicant No.1 herein is son of respondent No.2 whereas applicant No.2 is the daughter-in-law of respondent No.2. It is submitted by the learned counsel appearing for the applicants and respondent No.2 that there was some misunderstanding and out of the said understanding, respondent No.2 has filed the First Information Report.
4. Respondent No.2 has filed the affidavit wherein it is stated that the dispute between the applicants and herself, has been amicably resolved as per the Compromise Deed dated 13th June, 2020. It is further stated that the applicants and respondent No.2 are residing together and maintaining cordial relations and, therefore, impugned FIR may be quashed.
5. The Hon'ble Supreme Court in the case of **Gian Singh v. State of Punjab & Anr.**¹ has held that the criminal cases having overwhelmingly and predominately 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

¹ (2012) 10 SCC 303

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.

6. In light of the statement between the applicants and respondent No.2, respondent No.2 is not going to support the prosecution case and chances of conviction of the applicants would be remote and bleak. 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.

7. The writ petition is allowed in terms of prayer clause (a), which reads as under :

“a] This Hon’ble Court by appropriate order and direction may be pleased to quash and set aside the First Information Report bearing C.R.No.I-540 of 2019 filed by the Respondent No.2 for the offences punishable under sections 420, 406, 323, 504, 506 r/w section 34 of the Indian Penal Code registered at Upnagar Police Station, Nashik on 21.9.2019, on such terms and condition, as this Hon’ble Court may be deems fit and proper.”

8. The applicants shall strictly abide by the understanding arrived between them and shall take proper care of respondent No.2.

9. Rule is made absolute in the above terms. The Criminal Application stands disposed of accordingly.

(MANISH PITALE, J.)

(S.S.SHINDE, J.)