

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3185 OF 2021

1. Aniruddha Arun Garje

Age : about 40 years, Occ : At present Nil

2. Arun Madhavrao Garje

Age : about 60 years, Occ : Retired

3. Pushpa Arun Garje

Age : adult, Occ : Household

All the petitioners having common address

At : Flat No. 6, Premraj Corner, opposite to PWD Colony Above
Patil Hospital, Aanand Nagar, Old Sangvi,
Pune 411 027.

...Petitioners

vs.

1. State of Maharashtra

Through Sr. PI. Sangvi Police Station,
Sangvi, Pune-411027

[Notice be served through Public Prosecutor
Bombay High Court]

2. Sheetal Aniruddha Garje

Age : about 39 years, Occ : At present : Nil,

R/at : Flat No.2, Bhaktinandan Building,
Siddhivinayak Park, New Laxmi Nagar Lane No.3,
Pimple Gurav Pune, 400061.

...Respondents

Mr.Prashant P. More for petitioner.

Mr.V.B. Kondedeshmukh, APP for respondent No.1.

Mr. Kanchan Chindarkar for respondent No.2.

Respondent No.2 present in Court and interacted.

CORAM :	S. S. SHINDE & N. J. JAMADAR, JJ.
DATE :	9th SEPTEMBER, 2021

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

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

2. This petition takes an exception to the first information report No. 73 of 2016 lodged by the 2nd respondent with Sangvi Police Station, Pune, for the offences punishable under sections 498A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 ('the Penal Code').

3. The learned counsel for the petitioners and the 2nd respondent jointly submit that the parties have amicably settled the dispute and the 2nd respondent has filed the affidavit confirming that the dispute between the parties has been amicably settled.

4. The 2nd respondent is present before the Court. She stated that it is her voluntary act to enter into the settlement and join the prayer of the petitioners for quashing the impugned FIR. The 2nd respondent is identified by her Advocate.

5. It would be relevant to reproduce hereinafter paragraphs 2 to 4 of the affidavit filed by the 2nd respondent, which read as under :

"2 I say that, the FIR No. 73 of 2016 had been registered with Sangvi Police Station, Pune, against the Petitioners above named due to matrimonial gripes. Considering the fact, all the pending disputes between myself and the Petitioner No.1 are resolved to be dissolved permanently through amicable settlement as arrived in terms of the Consent Terms dated 10-01-2020 and therefore it is prayed that, the offence registered under FIR 73/2016 with Sangvi Police Station, Pune under sections 498A, 323, 504, 506 and 34 of the Indian Penal Code, may kindly be ordered to be quashed.

3 I further say that, I do not want to proceed with the Criminal Cases instituted against the petitioner no.1 and rest

of the petitioners. I hereby state on solemn affirmation that contents of the terms of settlement dated 10.01.2020 to the aforesaid Criminal Writ Petition are true and correct and I am abide by the same.

4. I hereby confirm that I voluntarily agree with all the terms and conditions of the Consent Terms and submit that there is no coercion, undue influence or force for arriving at the settlement.”

6. Since the parties have amicably settled the dispute and the 2nd respondent has joined the prayer of the petitioners for quashing the impugned FIR, no fruitful purpose will be served by continuing the prosecution arising out of the aforesaid crime. The 2nd respondent is not going to support the prosecution case and chances of the conviction of the petitioners would be bleak and remote.

7. A useful reference in this context can be made to the judgment of the Supreme Court in the case of ***Gian Singh vs. State of Punjab and another¹***, wherein the Supreme Court has observed as under;

“61..... 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 inherent power is of wide plenitude with no

1 2012 (10) SCC 303

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. The aforesaid pronouncement, in our view, governs the facts of the instant case with equal force.

9. In the light of discussion in the foregoing paragraphs, in order to secure the ends of justice and prevent the abuse of the process of the Court, the petition deserves to be allowed.

10. Hence the following order:

ORDER

(a) The petition stands allowed.

(b) The FIR bearing No. 73 of 2016 registered with Sangvi Police Station and the consequential proceedings arising out of the said FIR are quashed and set aside.

(c) We direct the Family Court to expedite the pending proceedings and take it to the logical end at the earliest.

(d) The parties shall extend full co-operation for

early decision of the said proceedings.

Rule made absolute in the aforesaid terms.

The petition accordingly stands disposed of.

(N. J. JAMADAR, J.)

(S. S. SHINDE, J.)