

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.450 OF 2020

Mandira
Salgaonkar

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Jay Bharat Gajra	]	
Age : 22 years,	]	
Occ : Student	]	
Residing at B-2-1106, Lok Everest,	]	
JSD Road, Near City of Joy Mumbai	]	
Mulund (W), Mumbai – 400 080	]	.. Applicant

VERSUS

1. The State of Maharashtra	]	
(Through Vikroli Police Station)	]	
	]	
2. Gangubai Shinde	]	
Occ : Housewife	]	
At Sanskruti Apartment, A/303,	]	
Govind Nagar, Phoolpada Road,	]	
Near Chorge Bunglow,	]	
Gandhi Chowk, Virar (E), Vasai Virar	]	
Municipal Corporation,	]	
Palghar 401 303	]	.. Respondents

Mr.Kamlesh R. Tiwari for the Applicant.

Mr.Vinay Pandey for Respondent No.2.

Mrs.S.D.Shinde, APP for the Respondent
No.1/State.

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

DATED : 10TH FEBRUARY, 2021

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

1. Rule. Rule made returnable forthwith. With the consent of learned counsel appearing for the parties, heard finally.
2. This application is filed for the following substantial reliefs:
 - (a) That the Hon'ble Court be pleased to quash/set aside the FIR No.150 of 2017 dated 30.05.2017 lodged by the Respondent No.2 with the Vikroli Police Station, Mumbai and also set aside CC.No.670/PS/2017 pending in the files of Add. Chief Metropolitan Magistrate 50th Court at Vikroli;
 - (b) That the Hon'ble Court be pleased to quash/set aside the charge sheet filed by the Vikroli Police Station in C.C.No.670/PS/2017 pending in the files of Add. Chief Metropolitan Magistrate 50th Court at Vikroli."
3. Learned counsel appearing for the applicant and respondent No.2 jointly submit that parties have amicably settled the dispute. Respondent No.2 has filed an affidavit. Respondent No.2 was present on last date i.e. on 4th February, 2021. She stated that it is her voluntary act to give consent for quashing the charge-sheet pending before the Additional Chief Metropolitan Magistrate, 50th Court, Vikroli.
4. Learned counsel appearing for the applicant, had tendered across the bar, extract of Statement of Account of HDFC Bank showing transfer of Rs.1,50,000/- in the account of respondent No.2 on 08/02/2021. The said extract is taken on record and marked 'X' for identification.
5. Since the parties have amicably settled the dispute, no fruitful purpose will be served by continuing the proceeding pending on the

file of the Additional Chief Metropolitan Magistrate, 50th Court, Vikroli, Mumbai.

6. The Supreme Court in the case of **Gian Singh 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 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 that view of the matter, to secure the ends of justice and to prevent the abuse of the process of the Court, we are inclined to allow the application.

¹ 2012 (10) SCC 303

8. The Criminal Application is allowed. Rule is made absolute in terms of prayer clauses (a) and (b). The Criminal Application stands disposed of accordingly.

(MANISH PITALE, J.)

(S.S.SHINDE, J.)