

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.559 OF 2021

Tanaji Ramchandra Bansode-Patil]
Age 45 years, Occupation – Service]
Residing at Post Chale,]
Pandharpur Taluka, Dist. Solapur]..... Applicant.

Versus

1] The State of Maharashtra]
Through Pandharpur City Police Station]
Pandharpur,]
2] Vijay Maruti Gawde]
Age – 31 years, Occupation – Agriculturalist]
Residing at Post Puj, Taluka Pandharpur]
Dist. Solapur]..... Respondents.

Mr. Sarang S Aradhye for the Applicant.
Mr. J P Yagnik, APP for the Respondent/State.
Mr. Virendra Pethe for Respondent No.2.
Respondent No.2 is present in Court.

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

DATE : 30th September 2021

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

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

2 The Criminal Application has been filed by the Petitioners for the
following substantial relief :-

(a) That by appropriate orders as well as directions of this

Hon'ble Court, the First Information Report being C. R. No.248 of 2021 dated 03rd May 2021 registered against the Applicant at the behest of the Respondent No.2 at Pandharpur City Police Station under Section 420 of the Indian Penal Code be kindly quashed."

3 The learned counsel appearing for the Applicant and the learned counsel appearing for the 2nd Respondent jointly submit that the parties have amicably settled the dispute.

4 The learned counsel appearing for the 2nd Respondent has tendered across the bar the affidavit of the 2nd Respondent. The same is taken on record.

5 The 2nd Respondent is present before this Court. He is identified by his advocate. When we interacted with him, he stated that it is his voluntary act to enter into such settlement and join the prayer of the Applicant for quashing the impugned FIR.

6 Paragraphs 1 and 2 of the affidavit of the 2nd Respondent read thus:-

“1 *I say that on 03.05.2021 I have filed Criminal Case registered vide C. R. No.248 of 2021 with Pandharpur Police Station, against the Applicant for the offences punishable under Section 420 of the Indian Penal Code. I say aforesaid FIR has been lodged out of misunderstanding while sale-purchase transaction of a*

Tractor. I say that now that we have amicably resolved the dispute between us and therefore I am filing present affidavit giving my no objection for quashing of the aforesaid FIR lodged with Pandhapur Police Station.

2 *I therefore say and submit that in view of the aforesaid circumstances I am giving my no objection for quashing of the FIR annexed to the application at Exhibit A. I therefore say and submit that I have no objection to quash Fir registered vide C. R. No.248 of 2021 with Pandharpur Police Station, Dist Solapur against the Applicant for the offences punishable under Section 420 of Indian Penal Code”*

7 Since the Petitioners and the 2nd Respondent have amicably settled the dispute and the 2nd Respondent has filed the affidavit thereby giving no objection for quashing the impugned FIR, and during the course of interaction the 2nd Respondent stated that it is his voluntary act to enter into such settlement and join the prayer of the Applicant for quashing the impugned FIR, no fruitful purpose would be served by continuing the further investigation in IFR vide CR No.248 of 2021 dated 03.05.2021 registered with Pandhapur Police Station against the Applicant for the offences punishable under Section 420 of the Indian penal Code.

8 In view of the stand taken by the 2nd Respondent to join the prayer of the Applicant for quashing the impugned FIR, the chances of conviction of the Applicant would be bleak and remote.

9 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 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.

10 In the light of the discussion in the foregoing paragraphs and keeping in view the averments in the affidavit filed by the 2nd Respondent, and the statements made by him during the course of interaction by this Court, we are of the view that, in order to secure the ends of justice and to prevent the abuse the process of law/court, it would be appropriate to quash and set aside

1 2012 (10) SCC 303

the impugned FIR.

11 In that view of the matter, the Criminal Application deserves to be allowed and the same is allowed in terms of prayer clause (a) which read thus :-

(a) That by appropriate orders as well as directions of this Hon'ble Court, the First Information Report being C. R. No.248 of 2021 dated 03rd May 2021 registered against the Applicant at the behest of the Respondent No.2 at Pandharpur City Police Station under Section 420 of the Indian Penal Code be kindly quashed."

12 Rule made absolute in the aforesaid terms. The Criminal Application stands disposed of accordingly.

[N. J. JAMADAR, J]

[S. S. SHINDE , J]