

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.482 OF 2020

1. Yogesh Ramprakash Bhambri,]
 Residing at – Ivory Tower, Flat]
 No.603, 6th Floor, Himalayan Heights,]
 B Wing, Sector – 3, Bhakti Park, Near]
 Imax Cinema, Wadala (E), Mumbai –]
 400 037.]
2. Shashi Bala Ramprakash Bhambri]
 Building No.15, Flat No.229, 1st Floor,]
 Sardar Nagar – 4, Raoli Camp., Sion]
 (E), Mumbai.] ... Applicants

Versus

1. State of Maharashtra]
 (At the instance of Wadala Police]
 Station)]
2. Neetu Yogesh Bhambri,]
 Resident of, Redwood Building, 'B']
 Wing, Flat No.102, 1st Floor, Bhakti]
 Park, Near Imax Theatre, Wadala]
 (East), Mumbai.] ... Respondents

...

Mr. S.A. Khokhare with Ms. S.C. Thakur i/b S.G. Legal Solutions
 for the applicants.

Mr. J.P. Yagnik, A.P.P. for respondent No.1 -State.

Mr. Nikhil Kasbekar for Respondent No.2.

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

DATED : 12TH JANUARY, 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 with the following substantive prayer:

“(a) The Hon’ble Court be pleased to quash and set aside, the FIR bearing C.R. No.339 of 2020 dated 11/10/2020 for offences punishable under Sections 498A, 323, 504, 506, 500 and 34 of the IPC, registered with Respondent lodged by the Respondent against the present Applicants and all further proceedings arising thereof.”

3. Learned counsel appearing for the applicants and Respondent No.2 jointly submit that, the applicants and Respondent No.2 have entered into an amicable settlement and to that effect an affidavit is filed by respondent No.2. In the said affidavit, she has stated that she has no objection for quashing the FIR. The said affidavit is taken on record.

4. The parties are identified by their respective advocates.

Respondent No.2 is present. She has stated that it is her voluntary act to enter into the settlement and settle the dispute. She has further stated that she has no objection for quashing the FIR.

5. Upon hearing the learned counsel appearing for the parties and in view of the settlement arrived between the applicants and respondent No.2, we are of the opinion that the further continuation of the proceedings arising out of FIR No.339 of 2020 dated 11/10/2020 registered with Wadala Police Station, Mumbai will be an exercise in futility and an abuse of the process of the Court.

6. The Supreme Court in the case of *Giansingh 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 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,

¹ (2012) 10 SCC 303

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 the light of discussion in foregoing paragraphs and in order to secure the ends of justice and to prevent the abuse of the process of the Court, the application deserves to be allowed. Accordingly, rule made absolute in terms of prayer clause (a). Criminal application stands disposed of.

(MANISH PITALE, J.)

(S.S. SHINDE, J.)