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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE**

CRIMINAL APPLICATION NO.521 OF 2020

Fahad Abbasi & others

... Applicants

Vs.

Huma Rizvi & another

... Respondents

Ms.Uma Agarwal for the Applicants

Mr.S.R. Shinde, APP, for Respondent – State

Mrs.Huma Rizvi d/o. Nazim Rizvi – respondent No.1 present through V.C.

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

DATED: JANUARY 22, 2021

ORAL JUDGMENT:

1. By this Application under section 482 of Code of Criminal Procedure, the applicants have approached this Court seeking quashing of First Information Report No.90 of 2015 registered with Oshiwara Police Station, Mumbai, on 10.4.2015 at the behest of Respondent No.1 for the offences punishable under sections 498A, 406 read with section 34 of the Indian Penal Code.

2. It is stated in the present Application that subsequent to registration of the FIR, since the matter arose out of matrimonial discord between petitioner No.1 and Respondent No.1, the parties agreed for amicable settlement, resulting in filing of consent terms before the Family Court at Bandra, Mumbai.

3. Respondent No.1 has also filed an affidavit before this Court stating that she has agreed for quashing of the FIR on the basis of the consent terms and that payment in terms of the consent terms has been received by her. Respondent No.1 has joined the proceedings through Video Conferencing and upon being specifically asked by this Court, has confirmed that she has filed the affidavit and given consent for quashing of the FIR as per her own free will and without any coercion from anyone.

4. 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,

¹ 2012 (10) SCC 303

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 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.

5. In view of the settled position of law and the facts of the present case, we are of the opinion that continuing further proceedings in pursuance to the said FIR would be of no consequence and would amount to abuse of process of law. Therefore, we are inclined to allow the present Application.

Accordingly, the Application is allowed in terms of prayer clause (a), which reads as under:

“a. This Hon’ble Court be pleased to quash the above proceeding being FIR No.90/2015 Oshiwara police Station being C.C. No.127/PW/2016 pending before Ld.M.M., Railway Mobile Court, Andheri, Mumbai in the light of said Consent Terms dated 22/10/2020 being Exh. “B” hereinabove in the interest of justice and discharge all the Applicants/accused therein.”

6. Rule made absolute accordingly.

(MANISH PITALE, J.)

(S.S. SHINDE, J.)