

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

CRIMINAL APPLICATION NO. 501 OF 2020

1. Vineet Kumar Balkrishna]
Age- 34 years, Adult,]
Indian Inhabitant,]
R/at: Rose Venchor,]
Macanized Boot Laundry,]
LTT, Tilaknagar, Mumbai-400089.]
]
2. Rahul Kumar Maddeshiya]
Age- 30 Years, Having address at 49,]
Khushi Nagar Uttar Pradesh-274406.]
]
3. Sajid Abdul Razzak Shaikh]
Age- 36 Years, Having address at]
Room No. 384, Riddhi Palace, Mumbai]
Pune Road, Near Mumbra Police Station,]
Thane, Mumbai.]
]
4. Sirajuddin Ajmat Ali Khan]
Age- 40 Years, Having address at]
Room No. 2, Sujiya Sant Kabir Nagar,]
Amorhwa Basti, Uttar Pradesh-272125.]
]...**PETITIONERS**

Versus

1. The State of Maharashtra]
(Kurla Railway Police Station)]
]
2. Wasim Saleem Shaikh]
Age- 33 Years, Occ- Service]
Having office address at A-1 Facility]
Managaer, A-1, Facility and Property]
Managers, Pvt. Ltd. And]
R/at: KWG/374, Kohinoor Society]
Opp. Kohinoor Hotel, Andheri West,]
Mumbai-400058.]
]...**RESPONDENTS**

...

Mr. Saurabh B. Rane for Applicants.
Mr. Maroof Khan for Respondent No. 2.
Smt. A.S. Pai, APP for State.
Mr. Himraj Sathe, API, Kurla Police Station-present.
Mr. Waseem Saleem Shaikh, Respondent No. 2-present.

...

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

DATE : JANUARY 18, 2021.

ORAL JUDGMENT [PER S.S. SHINDE, J.]:

1. Rule. Rule made returnable forthwith and heard with the consent of learned counsel appearing for the parties.
2. Learned counsel appearing for applicants and Respondent No. 2 jointly submits that the applicants and Respondent No. 2 have amicably settled the dispute and to that effect, the affidavit is filed by Respondent No. 2.
3. The parties are identified by their respective advocates. On 13.01.2021 the applicants were present in the Court. On interaction with the applicants, they have stated that they are doing their respective jobs and they have not indulged in any such alleged activities.
4. The Respondent No. 2 is present before this Court. He stated that it is his voluntary act to enter into such settlement and give no objection for quashing the impugned FIR. He stated that the pillow covers and bed

sheets were given for cleaning and those were not not returned by the applicants, therefore out of misunderstanding the impugned FIR was registered.

5. Since the applicants and Respondent No. 2 have amicably settled the dispute and Respondent No. 2 has no objection for quashing the impugned FIR, no purpose will be served by continuing the further proceedings arising out of FIR No. 981 of 2020 registered with Kurla Railway Police Station for the offences punishable under Section 379 read with 34 of IPC. Respondent No. 2 is not going to support the allegations in the FIR and continuation of proceedings arising out of FIR No. 981 of 2020, registered with Kurla Railway Police Station, would tantamount to the abuse of the process of the court.

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

1 2012 (10) SCC 303

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.

7. In the light of discussion in foregoing paragraphs and the averments of affidavit in reply filed by Respondent No. 2, we are of the opinion that the application deserves to be allowed. Accordingly rule made absolute in terms of prayer clause (a), however, subject to deposit costs of Rs. 20,000/- by the applicants (Rs. 5000/- to each applicant), within two weeks from today in the following account:-

Name of Account Holder

**For J.J. Fund- DY.COMMI. (CHILD DEVELOP) AND MEM.
SECY. & TRY M S CHILD FUND**

Account No.- 11099464354

**Name & Address of
Bank-**

**State Bank of India, Pune Main Branch, Collector
Office Compound, Pune.**

Branch Code-

454.

IFSC-

SBIN0000454.

MICR-

411002002.

8. Rule made absolute on above terms and writ petition stands disposed of accordingly. We make it clear that this order will take effect only after depositing of aforesaid amount by the applicants.

9. All parties to act upon an authenticated copy of this order.

(MANISH PITALE, J.)

(S. S. SHINDE, J.)