

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

CRIMINAL WRIT PETITION NO. 3328 OF 2021

Sujeet Ravindraprasad Gupta & Ors. ...Petitioners

Versus

The State of Maharashtra & Anr. ...Respondents

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Mr. Mishra Rajendra Prasad for Petitioners.

Smt. A.S. Pai, PP for State.

Mr. Mohan Sharma for Respondent No. 2.

Respondent No. 2 is present in the Court.

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

DATE : 24th SEPTEMBER, 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 petitioners and 2nd respondent jointly submit that the parties have amicably resolved the dispute. Learned counsel appearing for 2nd respondent has tendered across the bar affidavit of respondent no. 2. The same is taken on record.

3. Respondent No. 2 had filed the Petition No. A-1770/2020 before the 6th Family Court at Bandra, Mumbai, but in view of amicable settlement the said petition has been withdrawn by the 2nd respondent.

4. Respondent No. 2 is present in the Court. We have interacted with her. She stated that it is her voluntary act, without any coercion, to enter into the amicable settlement and give consent for quashing the impugned FIR. She stated that the petition filed by her before the Family Court has been withdrawn and she is residing in the matrimonial home with Petitioner No. 1. She further stated that she has no objection if the impugned FIR is quashed.

5. Paragraphs 2 to 4 of the affidavit filed by 2nd respondent read as under:

2.) I further state that I lodged the complaint against the petitioners with the help of respondent no. 1 i.e. Senior Police Inspector of police Charkop Police station vide C.R. 924/2020, dated 10/12/2020 under section 498(A), 324, 323, 504, 506 (II), 406 r/w 34 of IPC. I further state that I had also filed the application under section 12 of the protection of women from domestic violence, 2005 against the petitioners relief mentioned in

the main complaint.

3.) I further state that after filing of aforesaid domestic violence complaint when I decided not to claim anything from the petitioners herein respect of any legible claim the said dispute is amicably settled before the respectable members of the society and I have agreed to withdraw all the allegations made against the petitioners.

4.) I further state that the matter is amicably settled between me and the petitioners, I have no claim of whatsoever nature against the petitioners. As I have decided to settle the dispute amongst us amicably by residing together as husband and wife to lead happy married life and for our daughter well future, I do not want to proceed with the said matter registered by the respondent no. 1 i.e. Senior Inspector of Police Charkop Police station, Mumbai, I do not want to lead any evidence before the Ld. Metropolitan Magistrate, I have no objection if the Criminal Writ Petition filed by the Petitioners is allowed by this Hon'ble Court as matter is amicably settled between us.

6. In view of amicable settlement between the parties and the statement made by 2nd respondent before this Court that she has no objection for quashing the impugned FIR, no fruitful purpose would be served by continuing the further investigation in C.R. No. 924/2020 dated 10/12/2020, for the offences punishable under

Section 498(A), 324, 323, 504, 506 (II) read with 34 of IPC, registered with Charkp Police Station, Mumbai.

7. 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

1 2012 (10) SCC 303

the ends of justice, or (ii) to prevent abuse of the process of any court.

8. In the light of discussion in foregoing paragraphs, in order to secure the ends of justice and prevent the abuse of the process of the Court, the petition deserves to be allowed. Accordingly, the writ petition is allowed in terms of prayer clause (a), which reads as under:

a.) That this Hon'ble Court be pleased to quash the FIR and proceedings of the C.R. No. 924/2020. dated 10/12/2020, registered under section 498(A), 324, 323, 504, 506 (II), 406 r/w 34 of IPC registered with Charkop Police station, Mumbai.

9. Rule made absolute to above extent.

10. The writ petition stands disposed of.

(N. J. JAMADAR, J.)

(S. S. SHINDE, J.)