

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3165 OF 2021

Siddharth Sanjiv Goel

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

...

Mr. Durgesh Jaiswal a/w. Mr. Abhijeet Rao for Petitioner.

Ms. Gulestan M. Dubhash for Respondent No. 2.

Respondent No. 2 is present in the Court.

...

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

DATE : 7th SEPTEMBER, 2021.

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

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

2. Learned counsel for the petitioner and 2nd respondent jointly submit that the parties have amicably settled the dispute. The 2nd respondent has filed affidavit. Respondent No. 2 is identified by the advocate appearing for him.

3. Respondent No. 2 is present in the Court. We have interacted with him. He stated that it is his voluntary act to enter into the settlement and give consent for quashing the impugned FIR.

4. It would be apt to reproduce herein below para 2 to 5 of the affidavit filed by the 2nd respondent.

2. I say and submit that I have filed the present complaint against Applicant for rash and negligence, due to which the society security cabin got damaged. The Applicant has already repaired cabin and garden at his own cost. Thereafter the disputes between the Applicant and myself has been amicably resolved and therefore I have already settled and signed the memorandum of understanding dated 14.07.2021 and withdrawn all the allegations against the Applicant.

3. I say that I do not want to continue with the present case and also I do not wish to pursue my Criminal Complaint being C.R. No. 143 of 2020 registered with Hinjewadi Police Station and Criminal Case being S.C.C. No. 17825 of 2021 pending for trial before Ld. 2nd Joint Civil Judge & JMFC, Pune for offences U/s. 279, 427 of I.P.C. r/w. Offences U/s 184, 132(1)(C) , 119, 177 of Motor Vehicle Act, 1988.

4. I say and submit that I have no objection if this Hon'ble Court allows the present Criminal Petition of the Applicant and the Criminal Complaint being C.R. No. 143 of 2020 registered with Hinjewadi Police Station and Criminal Case being S.C.C. No. 17825 of 2021 pending for trial before Ld. 2nd Joint Civil Judge & JMFC, Pune for offences U/s. 279, 427 of I.P.C. r/w. Offences U/s 184, 132(1)(C) , 119, 177 of Motor Vehicle Act, 1988, is quashed.

5. I say and submit that the differences between the Applicant and myself have been settled amicably and without any undue influence, coercion pressure on me and I am

giving this affidavit voluntarily on my own free will.

5. Since the parties have amicably settled the dispute and 2nd respondent has no grievance for quashing the impugned FIR, no fruitful purpose would be served by continuing the further proceedings i.e. S.C.C. No. 17825 of 2021 pending before the learned 2nd Joint Civil Judge & JMFC, Pune for offences punishable under Sections 279, 427 of IPC, sections 184, 132(1)(C), 119, 117 of Motor Vehicle Act, 1988 arising out of C.R. No. 143 of 2020 registered with Hinjewadi Police Station, Pune. In view of amicable settlement and stand taken by the 2nd respondent, chances of conviction of petitioner would be remote and bleak. Further continuation of aforesaid proceedings would tantamount to the abuse of the process of the concerned 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

1 2012 (10) SCC 303

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,

7. In the light of discussion in foregoing paragraphs and keeping in view the averments in the affidavit filed by the 2nd respondent and also interaction of this court with the 2nd respondent, we are inclined to allow this petition, in order to secure the ends of justice and prevent the abuse of the process of the concerned Court. At this stage, the petitioner who is present in the Court volunteers and submits that he is ready to deposit Rs. 15,000/- to the noble cause, within one wee from today. Hence, the following order.

ORDER

1. The writ petition is allowed in terms of prayer
Clause (A), which reads as under:-

This Hon'ble Court may kindly quash Criminal Complaint being C.R. No. 143 of 2020 registered with Hinjewadi Police Station and Criminal Case being S.C.C. No. 17825 of 2021 pending for trial before Ld. 2nd Joint Civil Judge & JMFC, Pune for offences U/s. 279, 427 of I.P.C. r/w. Offences U/s. 184, 132(1)(C), 119, 177 of Motor Vehicle Act, 1988 against the present Applicant.

2. The Petitioner to deposit Rs. 15,000/- in the account of Children Aid Society, within one week from today. The account of details are as under:-

Name of Bank of Account:	Children Aid Soc Donation
Bank Account No.:	02370100005612
Bank Name:	UCO Bank
Branch:	Matunga Mumbai.
IFSC Code:	UCBA0000237

3. Needless to observe that this order will take effect only after depositing the cost amount by the petitioner in the aforesaid account.
4. Rule made absolute to above extent.
5. The writ petition stands disposed of.

(N. J. JAMADAR, J.)

(S. S. SHINDE, J.)