

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

Amk

CRIMINAL APPLICATION NO. 35 OF 2021

Mr. Atmaj Ashok Patil & Ors.

.. Applicants

Vs.

State of Maharashtra & Anr.

.. Respondents

Mr. Pratik Kalantri for the Applicants.

Mr. A. R. Sheikh for Respondent No.2.

Respondent No.2 present in Court.

Dr. F. R. Shaikh, APP for Respondent No.1-State.

CORAM : S. S. SHINDE & MANISH PITALE, JJ.
DATE : 22nd FEBRUARY, 2021.

P. C. :

1. Rule. Rule made returnable forthwith.
2. Heard with the consent of learned Counsel appearing for the parties.
3. This application takes an exception to the FIR bearing No. 577 of 2020 registered with Ambad Police Station, Nashik on 23.10.2020 against the Applicants.
4. Learned Counsel appearing for the Applicants and 2nd Respondent submits that the parties have amicably settled the dispute. Learned Counsel appearing for the Applicants invites our attention to the Deed of Understanding and submits that all the issues between the parties have been settled and Hindu Marriage Petition is filed before the Family Court at Nashik.
5. 2nd Respondent is present in the Court. She stated that it is her voluntary act to enter into the settlement and to join the prayer of the Applicants for quashing the impugned FIR. The Applicants are present in the Court. Applicant No.1 stated that he will abide

by the Consent Terms and will hand over the possession of the flat by way of Gift Deed within one week from today. He further stated that cheque of Rs.45,00,000/- is given to 2nd Respondent as security. Once the flat is transferred in the name of 2nd Respondent, she will return the said cheque.

6. Since the Applicants and 2nd Respondent have amicably settled the dispute and 2nd Respondent has filed affidavit before this Court, no fruitful purpose will be served by continuing further investigation in FIR No. 577 of 2020 registered with Ambad Police Station, Nashik for the offence punishable under Sections 498-A, 377, 323, 504, 507 of the Indian Penal Code.

7. 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 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

¹ 2012 (10) SCC 303

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.

8. Since the parties have amicably settled the dispute, 2nd Respondent is not going to support the allegations in the FIR and consequently chances of the conviction of the Applicants appear to be bleak and remote. Applicant No.1 has given assurance that he will abide by the Consent Terms. In the light of the foregoing paragraphs, the application deserves to be allowed accordingly.

9. The Criminal Application is allowed in terms of prayer Clause (a). The impugned FIR bearing No. 577 of 2020 registered with Ambad Police Station on 23.10.2020 for the offence punishable under Sections 498-A, 377, 323, 504, 507 read with 34 of the Indian Penal Code is quashed.

10. Rule made absolute in above terms.

11. The Criminal Application stands disposed of accordingly.

[MANISH PITALE, J.]

[S. S. SHINDE J.]

Arjun
M.
Kadam

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