

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

Amk

WRIT PETITION NO. 941 OF 2021

Sunil Birendra Singh & Ors.

.. Petitioners

Vs.

The State of Maharashtra & Anr.

.. Respondents

Mr. Manoj Kumar Singh for the Petitioners.

Petitioner Nos. 1 to 3 present in Court.

Respondent No.2 present in Court.

Mrs. S. D. Shinde, APP for the Respondent-State.

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

DATE : 26th FEBRUARY, 2021.

P. C. :

1. Rule. Rule made returnable forthwith and heard with the consent of learned Counsel appearing for the parties.
2. Learned Counsel appearing for Respondent No.2 has tendered across the bar affidavit on record. The same is taken on record. Paragraphs 2 to 4 of the affidavit filed by Respondent No.2 read as under:

2. I say that without going into the merits of the matter, the fact remains that the FIR have been lodged by me due to some confusions as against the petitioner and now all the confusions have been removed and the matter has been settled amicably between the parties.

3. I say that in view of the said facts, I have no objection if the FIR bearing FIR No. 0041/2020 registered by the Respondent No.1 on my behest under the provision of section 498(A), 504, 506, 323 r/w. sec. 34 of IPC is quashed by this Hon'ble Court.

4. I say that accordingly I am filing my present affidavit of my own sweet will and there being any pressure of whatsoever nature.

3. Learned Counsel appearing for the Petitioners and Respondent No.2 jointly submit that the parties have amicably settled the dispute. Petitioner No.1 and Respondent No.2 started residing together from December, 2020. It is submitted by the learned Counsel appearing for the parties that due to some misunderstandings there was matrimonial discord, however, from December, 2020 Petitioner No.1 and Respondent No.2 are staying together happily.

4. Respondent No.2 is present before this Court. She stated that it is her voluntary act to enter into the settlement and support the prayer of the Petitioner for quashing the impugned FIR.

5. Since the Petitioner No.1 and Respondent No.2 have amicably settled the dispute and they have started residing together from December, 2020, Respondent No.2 is not going to support the allegations in the FIR, no fruitful purpose would be served by continuing the investigation in Crime No. 0041 of 2020 registered with Virar Police Station for the offence punishable under Section 498, 504, 506 read with 34 of the Indian Penal Code.

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

¹ 2012 (10) SCC 303

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.

7. In the light of the above discussion, to secure the ends of justice and prevent the abuse of the process of the Court, the Petition deserves to be allowed.

8. Accordingly, the Petition is allowed in terms of prayer Clause (A) which reads as under:

(A) that this Hon'ble Court be pleased to issue an appropriate writ, order and directions directing quashing of the FIR No. 0041/2020 registered by the Respondent No.1 at the instance of Respondent No.2 hereinabove registered under the provision of section 498(A), 504, 506, 323 r/w. sec. 34 of IPC on such terms as this Hon'ble Court may deem fit and proper in the matter.

9. The parties shall abide by the terms of settlement.
10. The Writ Petition stands disposed of accordingly. Rule made absolute in above terms.

[MANISH PITALE, J.]

[S. S. SHINDE J.]

Arjun
M.
Kadam

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by Arjun M.
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