

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.246 OF 2021

1. Mukesh Madhukar Devle,]
having office at Reliable House,]
Hanuman Silk Mills]
Compound, Kanjurmarg (W),]
Mumbai – 400 078.]

2. Akash Arjun Sonawane]
R/at Radha Pundalik]
Apartment, Room No.401,]
Vitawa, Thane.]

3. Parvati Shyambihari Paswan, R/]
o. Room No.401, Gaondevi]
Mandir, Vandana Bhawan,]
Ghansoli, Navi Mumbai.]

4. Chaya Raoji Patil,]
Room No.2819, Jaibhawani]
Rahiwasi Sangh, Airoli, Navi]
Mumbai.]

5. Suryakant Pralhad Jadhav,]
A/at Room No.795, Sector-8,]
Koparkhairane, Navi Mumbai.]

6. Rohini Chandrakant Matre,]
R/o. Room No.6, Saiprasad]
Apartment, Vitava, Thane.] ... Petitioners

Versus

1. The State of Maharashtra]
(At the instance of Sr. Inspector]
of Police, Rabale MIDC Police]
Station, vide their C.R.]
No.0307 of 2019).]
2. Nirmala Arun Gaikwad,]
R/o. Room No.1003, Devshree]
Park, Kolshet, Thane.] ... Respondents

...

Mr. Rahul Arote for the petitioners.

Dr. F.R. Shaikh, A.P.P. for respondent No.1 -State.

Mr. Digvijay P. Shinde for respondent No.2.

Respondent No.2 is present in the court.

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

DATED : 2ND FEBRUARY, 2021.

ORAL JUDGEMENT :- [Per S.S. Shinde, J.]

1. Rule. Rule made returnable forthwith. With the consent of learned counsel appearing for the parties, heard finally.

2. This writ petition is filed for the following substantive relief:

“(b) This Hon’ble Court be pleased to quash and set aside the F.I.R. in C.R. No.0307 o 2019 of Rabale MIDC Police Station and all other proceedings arising out of the said crime registered with Rabale Police Station.”

3. Learned counsel appearing for the petitioners and respondent No.2 jointly submit that, the petitioners and respondent No.2 have entered into an amicable settlement and to that effect an affidavit is filed by respondent No.2. In the said affidavit, she has stated that it was due to misconception and misunderstanding that the complaint being C.R. No.0307 of 2019 was registered with Rabale MIDC Police Station. She has further stated that she has no objection if this Court quashes the said C.R. as well as all further proceedings arising out of the said C.R.. The said affidavit is taken on record.

4. Respondent No.2 is present in the Court. She has stated that it is her voluntary act to enter into the settlement and settle the dispute. She has further stated that she has no objection for quashing the FIR.

5. Upon hearing the learned counsel appearing for the parties and in view of the settlement between the parties, we are of the opinion that continuation of the further proceedings arising out of C.R. No.0307 of 2019 dated 18/10/2019 registered with Rabale MIDC Police Station, will be an exercise in futility and

wastage of valuable time of the investigating machinery.

6. The Supreme Court in the case of *Giansingh v. State of Punjab & Anr.*¹ has held that the criminal cases having overwhelmingly and predominately 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 offences 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 has also held that 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. Since the petitioners and respondent No.2 have amicably

¹ (2012) 10 SCC 303

settled the dispute and respondent No.2 is not going to support the allegations in the FIR, the chance of conviction of the petitioners is bleak and, therefore, continuation of further proceedings arising out of the said FIR would be an exercise in futility and would tantamount to abuse of process of the Court.

8. Learned counsel appearing for the petitioners has handed over Demand Draft No.009086 issued by Axis Bank in the sum of Rs.12,75,000/- towards last installment of compensation, to learned counsel appearing for respondent No.2, who in turn, handed over the same to respondent No.2. A copy of the Demand Draft is placed on record.

9. In the light of discussion in foregoing paragraphs and in order to secure the ends of justice and to prevent the abuse of the process of the Court, the petition deserves to be allowed. Hence, the petition is allowed. Accordingly, rule made absolute in terms of prayer clause (b) referred to in hereinabove.

(MANISH PITALE, J.)

(S.S. SHINDE, J.)