

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.11 OF 2021

Nishika Ninad Ranade]
 Residing at 405, Krishna Villa Society,]
 Sector 16, Ulawe, Panvel, Raigad.] ... **Applicant**

Versus

1. **The State of Maharashtra,**]
 [Through the Public Prosecutor, High]
 Court, Annex Building, Mumbai, -]
 Through – Investigating Officer of]
 N.R.I. Sagari Police Station.]]
]
 2. **Ravindra Laxman Ranade,**]
 Dev Daya Park, Building No.01/02,]
 Ground Floor, Samata Nagar, Pokharan]
 Road No.1, Thane – 400 606.]
] .. **Respondents**

Mr. Sufiyan I. Shaikh for the Applicant.

Mr. Deepak Thakare, Public Prosecutor for
 respondent-State.

Mr. Amol B. Joshi for respondent No.2.

Respondent No.2 is present in the court.

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

DATED : 11TH FEBRUARY, 2021.

ORAL JUDGMENT (PER S.S. SHINDE, J.)

1. Rule. Rule made returnable forthwith. With the consent of learned counsel appearing for the parties, heard finally.
2. Learned counsel appearing for the applicant and respondent No.2 submits that parties have amicably settled the dispute. The applicant is the daughter-in-law of respondent No.2. The parties are identified by their respective advocates.
3. Respondent No.2 has filed the affidavit wherein it is stated that in the fit of anger, he filed the First Information Report. It is further stated that keeping in view the interest of the grand-son, who is aged four years, respondent No.2 has decided not to pursue the allegations in the First Information Report.
4. Respondent No.2 is present before this Court. He stated that it is his voluntary act to enter into settlement and pray for quashing of the impugned FIR. He further stated that his grand-son is on visiting terms to him and even today, the grand-son is with him as it is his birthday. The applicant, who is present in the Court, stated that she has no objection if her son, on some occasions, resides with respondent No.2 in the matrimonial home. There is no issue about the custody of the child and the applicant and respondent No.2 have mutual understanding about the custody of the child.
5. Since respondent No.2 and the applicant have amicably settled the dispute and respondent No.2, in his affidavit, has stated that there is unequivocal consent to quash the FIR bearing No.293 of 2020 dated 3rd November, 2020, filed before the N.R.I. Sagari Police

Station, Navi Mumbai, no fruitful purpose would be served by continuing the investigation. Respondent No.2 is not going to support the allegations in the First Information report and the chances of conviction of the applicant would be remote and bleak.

6. The Hon'ble Supreme Court in the case of *Gian Singh 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. In that view of the matter, to secure the ends of justice and to prevent the abuse of the process of the Court, the application deserves to be allowed. Accordingly, the Criminal Application is

¹ (2012) 10 SCC 303

allowed in terms of prayer clause (a), which reads as under :

“a) This Hon’ble Court may be pleased to quash and set aside the First Information Report No. CR No.293 dated 03.11.2020 registered at N.R.I. Sagari Police Station, Navi Mumbai against the petitioner on the ground that the dispute is amicably settled between the parties.”

8. The Criminal Application stands disposed of accordingly.

(MANISH PITALE, J.)

(S.S.SHINDE, J.)