

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

CRIMINAL APPLICATION NO. 1300 OF 2019

Mrs. Sonali Moorjani

Aged: 34 Years, Occupation: Service,

R/at: A-304, Shanti Niketan,

YAC Nagar, Kondivita Road,

Andheri (E), Mumbai- 400059.

...APPLICANT

Versus

1. The State of Maharashtra
Through MIDC Police Station, Andheri (E).

2. Mr. Ramlal Moorjani
Adult, Indian Inhabitant of Mumbai,
Age: 32 years, Occ:

3. Mrs. Jaya Ramlal Moorjani
Adult, Indian Inhabitant of Mumbai
Age: 32 years, Occ:

4. Mr. Nipun Ramlal Moorjani
Adult, Indian Inhabitant of Mumbai,
Age- 32 years, Occ: Merchant Navy Officer.

5. Mr. Pramod Ramlal Moorjani
Adult, Indian Inhabitant of Mumbai.
Age- 32 Years, Occ- Merchant Navy Officer,
All Presently residing at Mahada
Telephone Exchange,
Sardar Vallabhai Patel Road, 4 Bungalows,
Andheri (W), Mumbai, 400053.

...RESPONDENTS

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Mr. Jehan Fulwadiwala a/w. Ms. Alisha Pinto, for Applicant.

Mr. Laxman Kanal a/w. Mr. Pratik Thadani, Ms. Divya Kanal & Mr. Ayush
Khandelwal for Respondent Nos. 2 to 5.

Dr. F.R. Shaikh, APP for State.

Ms. Sonali Moorjani Applicant-present in the Court.

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

DATE : JANUARY 28, 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. This application is filed with following substantive prayer:-
 - a) Allow this petition under Section 482 of the Criminal Procedure Code by quashing the FIR No. 562 of 2018 dated 14.12.2018 registered under section 498A, 406, 504, 34, 323 of Indian Penal Code registered at MIDC Police Station, Krantiveer, Lakhuji Slave Marg, Mulgaon, Andheri (E), Mumbai- 400093.
3. The informant is the applicant before this Court with prayer to quash the impugned FIR. Learned counsel appearing for 2nd respondent on instructions submits that the 2nd respondent has no objection to acced to the prayer of the applicant.
4. It appears that the parties have settled the dispute and to that effect consent terms are filed before the Family Court, Bandra and said consent terms are placed on record at Page No. 27 (Exhibit-D).

5. We have perused the said consent terms. Learned counsel appearing for 2nd respondent on instructions submits that Rs. 50,00,000/- (Rupees Fifty Lacs only) are deposited in the Family Court, Bandra in the year 2019. The said statement is not disputed by the learned counsel appearing for the applicant. The parties through their respective advocates submits that they will strictly abide by the consent terms and will co-operate the Family Court for early disposal of the proceedings initiated before the said Court.

6. Since the parties have amicably settled the dispute and the informant herself has filed this application praying for quashing the impugned FIR No. 562 of 2018 dated 14.12.2018 registered under section 498A, 406, 504, 34, 323 of IPC at MIDC Police Station, Krantiveer, Lakhuji Slave Marg, Mulgaon, Andheri (E), no fruitful purpose would be served by continuing the further investigation of the aforesaid FIR.

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 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 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.

8. Since the parties have arrived at amicable settlement and to that effect consent terms are filed before the Family Court, Bandra, the informant does not wish to pursue the allegations in the FIR and therefore, the chances of the conviction of Respondents-accused would be remote and bleak.

9. In that view of the matter, the application deserves to be allowed. Accordingly, the application is allowed. Rule made absolute in terms of prayer clause (a). The application stands disposed of accordingly.

(MANISH PITALE, J.)

(S. S. SHINDE, J.)