

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.6036 OF 2019

1. **Krishna Kumar Singh**]
Residing at Navjeevan Society, Room]
No.09, 3rd Floor, Above Shivam Hotel,]
Kopari, Thane]
] .. **Petitioner**

VERSUS

1. **The State of Maharashtra,**]
Through Kopri Police Station, Thane]
]]
2. **Jagruti Pramod Singh**]
Residing at Room No.404, A Wing,]
Vivekanand Arcade, Chakki Naka,]
Kalyan (E)] .. **Respondents**

WITH
CRIMINAL WRIT PETITION NO.921 OF 2020

1. **Pramod Kumar Singh,**
2. **Vinod Kumar Singh,**
3. **Mrs.Phula Devi Singh,**
Residing at Navjeevan Society,
Room No.9, 3rd Floor, Above Shivam
Hotel, Kopri, Thane (E).

VERSUS

1. **The State of Maharashtra,**]
Through Kopri Police Station, Thane]
]]

2. Jagruti Pramod Singh]
Residing at Room No.404, A Wing,]
Vivekanand Arcade, Chakki Naka,]
Kalyan (E)]

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Mr.Ashok Kumar Dubey i/b SAVJ Law Solutions for the Petitioners.

Mr.Nikhil Kasbekar for Respondent No.2.

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

Respondent No.2 is present in Court.

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

DATED : 12th MARCH, 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. Since the F.I.R. impugned in both the writ petitions is common, we deem it appropriate to dispose of both the petitions by this common judgment.

3. These petitions take exception to the F.I.R. No.I-86 of 2018 lodged with Kopari Police Station for the offences punishable under Sections 498-A, 406, 354, 504 read with Section 34 of the Indian Penal Code.

4. Learned counsel appearing for the petitioners and second respondent jointly submit that the petitioners and respondent No.2 have amicably settled the dispute. Learned counsel appearing for

respondent No.2 has tendered across the bar, affidavit of respondent No.2. Same is taken on record.

5. Respondent No.2 is present in the court. She has been identified by her counsel. We have interacted with her. She has stated that it is her voluntary act to enter into the settlement and join the prayer made by the petitioners to quash the impugned FIR.

6. Learned APP appearing for respondent No.1/State submits that though the charge-sheet was ready, same was not filed since it was stated before this Court on the last date of hearing that the parties have amicably settled the dispute.

7. 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

¹ (2012) 10 SCC 303

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.

8. Since the petitioners and respondent No.2 have amicably settled the dispute, chances of conviction of the petitioners would be bleak and remote and further continuation of the investigation of the aforesaid crime would be an exercise in futility, since respondent No.2 is not going to support the said allegations.

9. In the light of the discussion in foregoing paragraphs and in view of the affidavit filed by respondent No.2 and keeping in view the statement made by respondent No.2 before this Court that she does not wish to pursue the allegations made in the impugned FIR, the petitions deserve to be allowed to secure the ends of justice and to prevent the abuse of the process of the Court

10. Rule is made absolute in terms of prayer clause (ii), which reads as under.

“ii. The FIR Bearing I-86 of 2018 registered with the Kopari Police Station for the alleged offence u/s. 498(A), 406, 354, 504 of IPC against the petitioners be quashed and set-aside.”

11. The writ petitions stand disposed of accordingly.

(MANISH PITALE, J.)

(S.S.SHINDE, J.)