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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 344 OF 2020**

Priya Jayendranath Patil
@ Priya N. Patil
V/s.
Jayendranath Vasant Rao Patil
and anr.
... Applicant
... Respondents

Mr. Indrajeet R. Kulkarni for the Applicant.
Mr. Nikhil Adkine i/b Mr. S.S. Phatale for Respondent No.1
Ms M.H. Mhatre, APP for the Respondent No.2 – State.

**CORAM : S.S. SHINDE &
N.R. BORKAR, JJ.
DATE : 22.02.2022.**

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 for the following reliefs:

“a) This Hon’ble Court by an Order may kindly quash the FIR No.1-615 of 2016 filed with the Mumbra Police Station and also the chargesheet.

b) This Hon’ble Court by an Order may kindly direct the Mumbra Police Station to handover all the Articles as per Exhibit-C annexed hereto.”

3] Learned counsel appearing for the applicant submits that the applicant and the first respondent have arrived at

amicable settlement and to that effect proceedings were instituted before the Family Court, Thane and the Family Court has allowed the petition filed by the respondent-husband and the marriage between the applicant and the first respondent has been dissolved.

4] During pendency of the said proceedings before the Family Court, Thane, the first respondent has deposited the amount of Rs.3,00,000/-. However, one of the condition of the settlement was that the applicant shall withdraw the said amount after giving consent for quashing of the impugned FIR. Accordingly, this application is filed by the applicant.

5] 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 out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or

¹ 2012 (10) SCC 303

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.

6] From the perusal of FIR, it transpires that the allegations are totally personal in nature. The offences alleged cannot be said to have impact on society. Nothing fruitful will come out of the prosecution in question. We are of the opinion that the present case is squarely covered by the decision of the Supreme Court in *Gian Singh (supra)*.

7] Since the applicant herself is the first informant and the first respondent has no objection for allowing this application, we pass the following order.

O R D E R

- a] Application is allowed in terms of prayer clause (a) and (b);
- b] Needless to observe that amount of Rs.3,00,000/-, which is deposited by the first respondent before the Family Court, Thane, the applicant is entitled to withdraw the same unconditionally. It is clarified that the amount deposited in the Family Court, Thane with accrued interest thereon, if any, shall be disbursed in favour of the applicant.
- c] The articles lying in the Mumbra Police Station, the concerned In-charge Police Station Officer shall ensure that those articles are returned to the applicant forthwith without any delay.
- d] Rule is made absolute to the above extent and, Criminal Application stands disposed of accordingly.

(N.R. BORKAR, J.)

(S.S. SHINDE, J.)