

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3043 OF 2021**

Suresh A. Karpe and ors. ... Petitioners
V/s.
The State of Maharashtra and anr. ... Respondents

**AND
WRIT PETITION NO. 3044 OF 2021**

Nilesh A. Joshi and anr. ... Petitioners
V/s.
The State of Maharashtra and anr. ... Respondents

Mr. Kamran Shaikh a/w. Mr. Mohsin Shaikh for the Petitioners in both petitions.
Mr. K.V. Saste, APP for the Respondent No.1/State in WP 3043/2021.
Ms M.H. Mhatre, APP for the Respondent No.1/State in WP 3044/2021.
Mr. Ashish Verma for the Respondent No.2 in both petitions.

**CORAM : NITIN JAMDAR &
N.R. BORKAR, JJ.**

DATE : 24 AUGUST 2022.

P.C.

. Both these petitions under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 are filed to quash the one and same First Information Report No.151

of 2021 (hereinafter referred to as “FIR”, for short) dated 25 May 2021 registered at Chinchwad Police Station, Pimpri - Chinchwad against the Petitioners for the offence punishable under Sections 420, 406, 467, 468, 471 read with 34 of the Indian Penal Code.

2. The aforesaid crime came to be registered at the instance of Respondent No.2, who has alleged that the Petitioners hatched the conspiracy to cheat him and in furtherance of the said conspiracy by playing fraud cheated him to the tune of Rs. 1,20,00,000/-.

3. The learned Counsel for the Petitioners and the learned Counsel for the Respondent No.2-Complainant jointly submit that the parties have amicably settled the dispute. It is submitted that no purpose would be served by keeping the prosecution alive, in view of the settlement arrived at between the parties. The learned Counsel for the parties submit that the dispute is predominately of civil character and thus the present case is squarely covered by the law laid down by the Hon’ble Supreme Court in the case of *Narinder Singh and ors vs. State of Punjab and anr*¹.

4. Respondent No.2-Complainant has filed affidavit dated 4 January 2022. The Respondent No.2 has stated that he has received the entire amount which was to be paid to him. Respondent No.2 has stated that he has no objection if the FIR in question is quashed

¹ (2014) 6 SCC 466

in view of the settlement arrived at between the parties.

5. The Hon'ble Supreme Court in *Narinder Singh and ors vs. State of Punjab and another*² has held :

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

- (i) ends of justice, or*
- (ii) to prevent abuse of the process of any court.*

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not be exercised in those

² (2014) 6 SCC 466

prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for offences alleged to have been committed under special statute like the [Prevention of Corruption Act](#) or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.”

6. We have examined the facts of the present case in the light of principles laid down by the Hon’ble Supreme Court in the case of *Narinder Singh (supra)*. The dispute appears to be predominately of civil character. Even other wise in view of the settlement between the parties, Respondent No.2 is not going to support the prosecution case. Considering these facts and circumstances, both the Petitions are allowed. Consequently, FIR No.151 of 2021 dated 25 May 2021 registered at Chinchwad Police Station, Pimpri -

Chinchwad against the Petitioners for the offence punishable under Sections 420, 406, 467, 468, 471 read with 34 of the IPC is quashed and set aside.

7. Petitioner No.1- Suresh A. Karpe, Petitioner No.2 Madhav S. Ugile and Petitioner No.3 – Kanchankumar L. Shewale in Writ Petition No. 3043 of 2021 will pay amount of Rs.10,000/- (Rupees Ten Thousand) each to the Police Welfare Fund viz. *“Maharashtra Police Welfare Fund Account No.914010029005759; IFC Code: UTIB0000060; ”* within eight weeks from today and this order is conditional upon payment of costs.

8. Writ Petitions are disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)