

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.557 OF 2020
with
INTERIM APPLICATION NO. 642 OF 2021**

Vishal K. Chavan ... Applicant
V/s.
State of Maharashtra and anr. ... Respondents

Mr. Ashutosh Gole a/w. V. V. Botle for the Applicant.
Mr. J.P. Yagnik, APP for Respondent No.1/State
Mr. Ketan A. Dhavle for the Respondent No.2.

**CORAM : NITIN JAMDAR &
N.R. BORKAR, JJ.
DATE : 17 AUGUST 2022.**

P.C.

. The present application under Section 482 of Code of Criminal Procedure, 1973 is filed to quash the First Information Report No.891 of 2020 (hereinafter referred to as “FIR”, for short) dated 1 September 2020 registered at Kasturba Marg Police Station, Mumbai against the Petitioner for the offences punishable under Sections 354, 504, 506 and 509 of the Indian Penal Code.

2. The aforesaid crime came to be registered at the instance of Respondent No.2. According to the Respondent No.2, on 31 August 2020, the present Applicant outraged her modesty.

3. The learned Counsel for the Petitioner and the learned Counsel for the Respondent No.2 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 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. The Respondent No.2 has filed the consent affidavit dated 21 August 2022. The Respondent No.2 has stated that she has no objection if the FIR in question is quashed 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

1 (2014) 6 SCC 466

2 (2014) 6 SCC 466

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 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 Applicant and Respondent No.2 are the neighbours. It appears that Respondent No.2 used to feed stray dogs, however, her neighbours were against it as according to them the said stray dogs were causing trouble to them. It appears that thus the quarrel took place between Applicant and Respondent No.2 and in the said quarrel, it is alleged that Applicant had outraged the modesty of Respondent No.2. In view of the settlement between the parties, Respondent No.2 is not going to support the prosecution case and therefore, possibility of conviction is remote and bleak. Considering the overall facts and circumstances, the criminal application deserves to be allowed. Criminal Application is accordingly allowed. Consequently, the FIR No.891 of 2020 dated 1 September 2020 registered at Kasturba Marg Police Station, Mumbai against the Petitioner for the offences punishable under Sections 354, 504, 506 and 509 of the IPC and the proceedings arising out of the said FIR are quashed and set aside.

7. The Petitioner will pay amount of Rs.5,000/- (Rupees Five

Thousand) to the Police Welfare Fund viz. “*Mumbai Police Welfare Fund Account No.465010100008693; IFC code: UTIB0000465; Bank : Axix Bank ; Branch: Lamington Road*” within six weeks from today and this order is conditional upon payment of costs.

8. Criminal Application is disposed of.

9. Interim Application does not survive and the same is disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)

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DHURI
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by KANCHAN
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Date:
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