

offences punishable under Sections 354, 504 and 506 (2) of the Indian Penal Code and the Criminal Application No.1082 of 2021 is filed to quash the FIR No.621 of 2021 for the offences punishable under Sections 354, 452,504 and 506 (2) read with 34 of the Indian Penal Code.

2. The learned Counsel for the parties 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.

3. The Complainant in FIR No. 621 of 2021 has filed the consent affidavit that she has no objection if the FIR in question is quashed in view of the settlement between the parties. Similar consent affidavit is filed by the Complainant in the FIR No. 611 of 2021.

4. The Hon'ble Supreme Court in *Narinder Singh (supra)* has held :

“29. In view of the aforesaid discussion, we sum up and

¹ (2014) 6 SCC 466

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 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.”

5. We have examined the facts of the present cases in the light of principles laid down by the Hon'ble Supreme Court in the case of *Narinder Singh (supra)*. The incident does not appear to be premeditated. The learned APP on instructions states that there are no criminal antecedents. In view of the settlement between the parties, the complainants and witnesses are not going to support the prosecution case and therefore, possibility of conviction is remote and bleak. Apart from it, if the FIRs in question are not quashed disharmony between parties would not come to an end. Considering these facts and circumstances, both the Criminal Applications deserve to be allowed. Consequently, Criminal Application No. 1084 of 2021 is allowed in terms of prayer clause (a) and Criminal Application No.1082 of 2021 is allowed in terms of prayer clause (a).

6. The Applicant in Criminal Application No. 1084 of 2021 will pay amount of Rs.10,000/- (Rupees Ten Thousand) to the Police Welfare Fund viz. "*Mumbai Police Welfare Fund Account No.465010100008693; IFC code: UTIB0000465; Bank : Axix Bank ; Branch: Lamington Road*" within eight weeks from today and this order is conditional upon payment of costs.

7. The Applicants in Criminal Application No. 1082 of 2021 will pay amount of Rs.10,000/- (Rupees Ten Thousand) to the Police Welfare Fund viz. "*Mumbai Police Welfare Fund Account No.465010100008693; IFC code: UTIB0000465; Bank : Axix Bank ; Branch: Lamington Road*" within eight weeks from today and this order is conditional upon payment of costs

8. Both Applications are disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)