

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.943 OF 2013

1. Mrs. Manisha Robin Paul
2. Mrs. Surekha Sarvajeet Roy .. Petitioners

Vs.

1. Senior Police Inspector
2. The State of Maharashtra
3. Bhaskar S. Shinde .. Respondents

- Mr. Mahesh Menon a/w. Mr. Pranav Chavan, for the Petitioners.
- Ms. Naina P. Boraste i/b. G.K. Agarwal, for Respondent No.3.
- Mr. S.D. Shinde, APP for the State.
- Mr. Bhaskar S. Shinde, Respondent No.3 present in person.

**CORAM : SUNIL B. SHUKRE &
M.M. SATHAYE, JJ.**

DATE : 27th MARCH, 2023.

P.C. :

1. Rule. Rule made returnable forthwith by consent of the learned counsel for the parties.

2. On the basis of the complaint filed by Respondent No.3 with Indiranagar Police Station, Nashik, offences punishable under Sections 420, 423, 504 & 506 read with Section 34 of the Indian Penal Code

came to be registered against Petitioner No.1 and one of the other accused persons who was deceased Petitioner No.2. Now the petition filed by Petitioner No.2 has abated on account of her death. However, it appears that during pendency of this petition, the original complainant i.e. Respondent No.3. had amicably settled his dispute with both the petitioners and that was an out of Court settlement. Respondent No.3 has also filed his affidavit dated 09.05.2013 endorsing to his reaching a settlement with both the petitioners and his giving no objection to quash the FIR.

3. As there has been an out of Court settlement between the parties, this Court inquired with Petitioner No.1 and also Respondent No.3, the complainant to verify the facts of the case and as to whether or not the settlement between the parties was voluntary in nature.

4. Respondent No.3 is personally present in the Court and is identified by his learned counsel. He states that as there was some misunderstanding between him on the one hand and the Petitioners on the other, he filed a wrong complaint. It appears to us that basically the dispute between them is of private nature. Petitioner No.1 who is personally present and identified by his learned counsel also states the same thing. Upon inquiry with Petitioner No.1 as well as Respondent No.3, we find that their settlement is voluntary in nature. The

allegations made in the FIR and reasons given for settlement by the parties also create an impression that if the settlement between complainant and accused persons is accepted by us, it would not be against public policy.

5. In addition to what is stated above, learned counsel for the petitioners and learned counsel for Respondent No.3 have also made their submissions in support of what their respective clients have stated before us.

6. In the circumstances, we are of the opinion that this is a fit case for exercising our inherent power under Section 482 of the Cr.P.C. following the law laid down in the case of ***Narinder Singh & Ors. Vs. State of Punjab & Anr.***¹ The petition is, therefore, allowed in terms of prayer clause (a), which reads as under:–

“That this Hon’ble Court may be pleased to quash and set aside FIR under C.R.30 of 2011 dated 15th February, 2011 filed by the Complainant, Mr. Bhaskar Shinde at Indira Nagar Police Station, Nashik.”

7. We permit Petitioner No.1 and legal heirs of Petitioner No.2 to withdraw the amount of cash surety, if any, deposited by them before the Trial Court.

¹ (2014) 6 SCC 466

8. Rule is made absolute in the above terms.
9. Writ Petition is disposed of.

[M.M. SATHAYE, J]

[SUNIL B. SHUKRE, J.]