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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
APPLICATION NO. 788 OF 2023**

Prakrati P. Jain ...Applicant
Versus
1. The State of Maharashtra
2. Nehal C. Jain ...Respondents

Mr. Sujay H. Gangal for the Applicant.
Smt. M.M. Deshmukh, APP for the Respondent/State.
Ms Pooja Kurdia i/b Ms Krupali Rajani for Respondent No.2.

**CORAM : NITIN W. SAMBRE &
N. R. BORKAR, JJ.
DATE : 4 OCTOBER, 2023.**

PC:-

1. Learned counsel appearing for respondent No.2 undertakes to file Vakalatnama on record.
2. The present application under Section 482 of Code of Criminal Procedure, 1973 is filed to quash First Information Report No.980 of 2022 dated 7 September 2022 registered at M.H.B. Colony Police Station, Mumbai for the offence punishable under Section 380 of the IPC.
3. The aforesaid crime came to be registered against the applicant on the basis of report lodged by respondent No.2. According to the respondent No.2, on 2 September 2022, the applicant, who was their family friend, committed theft of her jewellery worth Rs.5,85,000/-

4. The quashing of FIR is sought on the ground that there has been an amicable settlement between the parties and respondent No.2 is no longer desirous of prosecuting the case in question.

5. The learned counsel for the applicant and the learned counsel for respondent No.2 jointly submit that in view of the settlement arrived at between the parties no purpose would be served by keeping the prosecution alive. It is submitted 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.

6. The respondent No.2, who is identified by her Advocate Ms Pooja Kurdia, is personally present in the Court. She confirms about the settlement arrived at with the applicant, and the contents of the affidavit dated 4 October 2023 filed by her, wherein she has stated that she has no objection if the criminal case in question against the petitioner is quashed.

7. The Hon'ble Supreme Court in *Narinder Singh (supra)* 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:

¹ (2014) 6 SCC 466

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 to 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.”

8. The incident appears to be the outcome of some misunderstanding and the same is essentially of private in nature. In view of the settlement, respondent No.2 is not going to support the prosecution case and therefore, the possibility of conviction is remote and bleak. Considering overall facts and circumstances, in our view, the application deserves to be allowed. Hence, the Application is allowed in terms of prayer clause (b).

9. Respondent No.2 is permitted to withdraw the amount of Rs.15,00,000/- deposited by the applicant in this Court alongwith interest accrued thereon, if any.

10. The Application is disposed of.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)