

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4891 OF 2018

Umesh Suresh Patil and Anr. ...Petitioners
Versus
State of Maharashtra and Anr. ...Respondents

WITH
WRIT PETITION NO. 1077 OF 2024
WITH
INTERIM APPLICATION NO. 2898 OF 2024
IN
WRIT PETITION NO. 1077 OF 2024

Dinesh Bansilal Shendkar ... Petitioner
Versus
State of Maharashtra and Anr. ... Respondents

WITH
WRIT PETITION NO. 592 OF 2019

Ravindra Shrirang Bobade & Ors. ... Petitioners
Versus
State of Maharashtra and Anr. ... Respondents

Mr. Nilesh Wable i/b. Mr. Umesh R. Mankapure, advocate for the
Petitioner in W.P. 4891 of 2018 and for Respondent No.2 in
W.P. 592 of 2019 and W.P. 1077 of 2024.

Mr. Vishal Laxman Kolekar, advocate for the Petitioners in W.P. 592
of 2019 and W.P. 1077 of 2024 and for Respondent No.2 in
W.P. 4891 of 2018.

Ms. Sharmila S. Kaushik, APP for the State–Respondent No.1 in
both the Petitions.

Mr. S. A. Patil, API, Bharati Vidyapeeth, Police Station, Pune City,
Pune, present.

**CORAM: MANISH PITALE &
MANJUSHA DESHPANDE, JJ.**

DATED: 17 DECEMBER 2025.

PC:-

1. These Petitions are taken up together for consideration. The learned counsel appearing for the Petitioner and the first informants in these cases jointly submit that during the pendency of these Petitions, the disputes between the parties have been settled. It is indicated that the proceedings were initiated in the backdrop of disputes within members of a housing society, and that allegations leading to registration of offences were made on the basis of misunderstanding, and that now the first informants voluntarily wish to withdraw the allegations so that the proceedings can be put to an end.

2. In Criminal Writ Petition No. 4891 of 2018, Respondent No. 2 (First Informant) in FIR No. 562 of 2018, registered at Bharati Vidyapeeth, Police Station, Pune City, Pune, has sworn an affidavit. The same is tendered across the Bar. In that affidavit, she has specifically stated that she is unequivocally giving her consent for allowing the Petition.

3. Similarly, Deepak Mahadeo Misal, the first informant in FIR No. 563 of 2018, registered at Bharati Vidyapeeth, Police Station, Pune City, Pune, concerning Criminal Writ Petition Nos. 592 of 2019 and 1077 of 2023 has sworn an affidavit giving unequivocal consent for allowing the said Petitions. Separate affidavits have been sworn for the two Writ Petitions and they are tendered across the Bar.

4. All the three affidavits of the first informants are taken on record of the respective Writ Petitions.

5. Although offences under the Indian Penal Code and the provisions of the The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (“SC and ST Act”, for short) have been registered in the present case and the offences are not compoundable, considering the backdrop in which the dispute arose between the parties and the affidavits tendered on behalf of the first informants, we are inclined to consider the joint prayer made on behalf of the parties for allowing these Petitions for quashing the subject FIR and the chargesheets as well as the consequential proceedings arising therefrom.

6. At this stage, the learned counsel appearing for the Petitioner in Criminal Writ Petition No. 4891 of 2018 prays for leave to amend the prayer clause in order to seek quashing of the chargesheet also, as the chargesheet came to be filed during the pendency of the Petition. Leave to amend is granted. The amendment be carried out forthwith.

7. The Supreme Court in the case of ***Gian Singh v. State of Punjab***¹ considered the question as to whether FIR and the charge-sheet and the consequential proceedings concerning non compoundable offences could be quashed by consent. In paragraph 61 of the said Judgment, the Supreme Court held as follows:

“61. The position that emerges from the above discussion can be summarised thus :

1 (2012) 10 SCC 303

The power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz. : (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court. In what cases power to quash the criminal proceeding or complaint or FIR may be exercised where the offender and the victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have a serious impact on society. Similarly, any compromise between the victim and the offender in relation to the offences under special statutes like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc.; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because

of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that the criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

8. Applying the said position of law to the facts of the present case, we find that no useful purpose would be served by allowing criminal proceedings to continue. In order to meet the ends of justice, we are inclined to allow these Petitions by consent so that the subject criminal proceedings are quashed.

9. In view of the above,

(i) Criminal Writ Petition No. 4891 of 2018 is allowed. Consequentially, FIR No. 562 of 2018 registered at Bharati Vidyapeeth, Police Station, Pune City, Pune, alongwith chargesheet filed therein are quashed;

(ii) Criminal Writ Petition Nos. 592 of 2019 and 1700 of 2024 are also allowed and the FIR No. 563 of 2018,

registered with Bharati Vidyapeeth, Police Station, Pune City, Pune, as also the chargesheet filed therein and Special Case No. 442 of 2022, pending before the Special Court, Pune, are quashed.

10. We cannot be oblivious of the fact that due to the criminal process being triggered in the light of the *inter se* disputes between the parties, the police machinery had to work over time to investigate into the matter. It is also a matter of record that upon completion of investigation chargesheets came to be filed in these cases. We are of the opinion that the police machinery and the officials involved therein concerning these two cases could have fruitfully utilized their time for more pressing assignments. In that light, the learned counsel for the parties, on instructions, submit that the Petitioners as well as the second Respondents in these Writ Petitions shall voluntarily deposit specific amounts in the account of the Police Welfare Fund.

11. In view of the above, the statement is accepted and accordingly it is recorded that the Petitioners in these Petitions and the second Respondent (first informants) shall within four weeks deposit amount of Rs. 20,000/- (Rs. Twenty Thousand only), each in the account of Mumbai Police Welfare Fund. The account details are as under :

Account Name : Mumbai Police Welfare Fund

Bank Name : Axis Bank

Branch : Lamington Road Branch;

Account No. : 465010100008693;

IFSC Code : UTIB0000465

12. The Writ Petitions are disposed of on the above terms.
13. Pending Applications, if any, stand disposed of.

(MANJUSHA DESHPANDE, J.)

(MANISH PITALE, J.)