

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION [APL] NO.1651 OF 2024

Guruprasad Ramnath Rao
and others

.....Applicants

Versus

The State of Maharashtra
and another

.....Respondents

Mr. Advait Tamhankar, Advocate a/w. Padmaja Malgaonkar for
the Applicants.

Ms. M.M.Deshmukh, APP for the Respondent No.1-State.

S.S. Bhandary, Advocate a/w. Karthik S. Bhandary, for the
Respondent No.2.

**CORAM : SARANG V. KOTWAL &
S.M. MODAK, JJ.**

DATE : 08th APRIL, 2025

P.C. :

1. This is an application for quashing of the proceedings pending vide C.C. No.774/PW/2019 before the learned 53rd J.M.F.C., Mulund, Mumbai. The matter arises out of C.R. No.54/2019 dated 28.1.2019 registered at Bhandup Police Station, Mumbai under Sections 498-A, 406, 323, 504, 506 read with 34 of IPC.

2. Heard Mr. Advait Tamhankar, learned counsel for the Applicants, Ms. M.M.Deshmukh, learned APP for the

Respondent No.1-State and S.S. Bhandary, learned counsel for the Respondent No.2.

3. In this case, the trial has progressed and the Respondent No.2, who is the first informant, has given her deposition in the form of examination-in-chief. The matter is at the stage of cross-examination of the Respondent No.2. At this belated stage the parties have settled the matter and have approached this Court for quashing of the proceedings on the ground of settlement.

4. The prosecution case in the charge-sheet is based on the grievance of the Respondent No.2 which is reflected in her examination-in-chief recorded by the trial Court. According to her, she had got married with the Applicant No.1 on 12.5.2017. The other two Applicants were his parents. It is not necessary to refer to the allegations in detail since the parties have settled their disputes with great efforts. The gist of the allegations is that the Applicant No.1 was employed outside India. The Respondent No.2 was residing with the other Applicants. There was discord between the Applicants

and herself. There are allegations of demand of money. She has deposited Rs.37,000/- in the account of the Applicant No.2. The Applicant Nos.2 & 3 were demanding 2BHK flat and a car. There are allegations that when the Applicant No.1 returned to India, he used to pick-up quarrels with the informant. The Applicants used to taunt her regularly. The Applicant No.1 was not happy with her cooking. On one occasion, he had physically beaten her. On these allegations, she had given her examination-in-chief.

5. Now the parties have settled their disputes. The Respondent No.2 has filed her affidavit giving her consent for quashing of the proceedings. She has stated that they have amicably settled the dispute. They had preferred the divorce proceedings by mutual consent which are still pending. She had also filed the proceedings under the Protection of Women from Domestic Violence Act and that matter is also getting settled. She has given her specific no objection for quashing of the present proceedings.

6. Ordinarily there would be no difficulty in quashing these proceedings. However, in the present case the trial has commenced and the Respondent No.2 has given her examination-in-chief. She is under cross-examination. At this belated stage, the parties have come forward for quashing of the proceedings by settlement. In this context, a reference can be made to the observations of the Hon'ble Supreme Court in the case of **Ramgopal and another Vs. The State of Madhya Pradesh** in Criminal Appeal No.1489/2012 decided on 29.9.2021. Two important paragraphs for our purpose are paragraphs-13 & 19, which read thus :

“13. It appears to us that criminal proceedings involving non-heinous offences or where the offences are predominantly of a private nature, can be annulled irrespective of the fact that trial has already been concluded or appeal stands dismissed against conviction. Handing out punishment is not the sole form of delivering justice. Societal method of applying laws evenly is always subject to lawful exceptions. It goes without saying, that the cases where compromise is struck post-conviction, the High Court ought to exercise such discretion with rectitude, keeping in view the circumstances surrounding the incident, the fashion in which the compromise has been arrived at,

and with due regard to the nature and seriousness of the offence, besides the conduct of the Accused, before and after the incidence. The touchstone for exercising the extra-ordinary power Under Section 482 Code of Criminal Procedure would be to secure the ends of justice. There can be no hard and fast line constricting the power of the High Court to do substantial justice. A restrictive construction of inherent powers Under Section 482 Code of Criminal Procedure may lead to rigid or specious justice, which in the given facts and circumstances of a case, may rather lead to grave injustice. On the other hand, in cases where heinous offences have been proved against perpetrators, no such benefit ought to be extended, as cautiously observed by this Court in *Narinder Singh and Ors. v. State of Punjab and Ors*, (2014) 6 SCC 466 and *State of Madhya Pradesh Vs. Laxmi Narayan & Ors.* (2019) 5 SCC 688.

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19. We thus sum-up and hold that as opposed to Section 320 Code of Criminal Procedure where the Court is squarely guided by the compromise between the parties in respect of offences 'compoundable' within the statutory framework, the extra-ordinary power enjoined upon a High Court Under Section 482 Code of Criminal Procedure or vested in this Court Under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Code of Criminal Procedure Nonetheless, we reiterate that such powers

of wide amplitude ought to be exercised carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the Accused and the victim; & (iv) Conduct of the Accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.”

. The Hon’ble Supreme Court has observed that where the compromise is struck post-conviction, the High Court ought to exercise such discretion keeping in view the circumstances surrounding the incident.

7. In this case, the conviction is still further away. The trial is going on but in the background of the settlement between the parties, continuation of the trial would not serve any real purpose. The Respondent No.2 does not have grievance against any one anymore. It would be in the interest of both the parties that the criminal prosecution is quashed. No purpose would be served in continuing with the prosecution. No purpose would be served in subjecting the Respondent No.2 for cross-examination when she does not

want to proceed against the Applicants at all. Similarly no purpose would be served by making the Applicants to face the trial when the parties have amicably settled not only this dispute but have decided to separate amicably through divorce by mutual consent and also to get the proceedings under the Protection of Women From Domestic Violence Act withdrawn. In this view of the matter, we are inclined to allow this Application.

8. Hence, the following order:

:: O R D E R ::

- i. The FIR being C.R. No.54/2019 registered at Bhandup Police Station, Mumbai as well as the criminal prosecution being C.C. No.774/PW/2019 before the learned 53rd J.M.F.C., Mulund, Mumbai, are quashed and set aside.
- ii. The Application is disposed of accordingly.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)