IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 27 OF 2004

1. Peter John Prabhu
   Age: 57 years,

2. Karmel Peter Prabhu
   Age: 52 years,

3. Avinash Peter Prabhu
   Age: 30 years,

   All R/o Vaidya Hospital Building,
   Panjim, Goa

4. Ram S. Ashok
   Age: 48 years,
   R/o Kamat Complex, Panjim, Goa ..PETITIONERS

VERSUS

1. State of Maharashtra

2. Krishna Savalaram Tamhankar
   Age: 74 years,
   R/o 11/T2, Kamat Classic,
   Caranzalem PO, Tiswadi,
   Caranzalem SO, North Goa, Goa ..RESPONDENTS

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Mr. A.S. Khandeparkar, Senior Advocate a/w Mr. Farkhan Shaikh and Mr. Rushikesh Bhagat, Advocates for Petitioners
Mr. P.P. Deokar, A.P.P. for Respondent No.1 – State
Mr. Advait Vajaratkar a/w Mr. Sanjana Desai, Advocates for Respondent No.2

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CORAM : ABHAY J. MANTRI, J.
DATE : 29th OCTOBER, 2026

ORAL JUDGMENT :

1. **Rule**. Rule made returnable forthwith. Heard finally with the consent of learned counsel for the parties at the stage of admission.

2. The petitioner challenges the order dated 04th November, 2003 passed by the learned Additional Sessions Judge, Sindhudurg-Oros, whereby the learned Sessions Court discharged the petitioners from the offences punishable under Sections 406, 415, 416 and 420 read with Section 34 of the Indian Penal Code (for short, '***I.P.C.***'); however, the charge under Section 424 read with Section 34 of the I.P.C. remained as it is.

3. On 03rd April, 1998, Respondent No. 2 – Krishna Tamhankar had lodged a private complaint against the petitioners for the offences punishable under Sections 406, 415, 416, 420 and 424 read with Section 34 of the I.P.C. Accordingly, the same was registered as R.C.C. No. 32 of 1998. The learned Magistrate had directed an enquiry under Section 156(3) of the Code of Criminal Procedure, and accordingly, an F.I.R. was registered. After registration of the F.I.R., the police conducted an investigation and filed a charge-sheet before the learned Magistrate, numbered as R.C.C. No. 86 of 1998. The petitioners challenged the said order before the learned Sessions Court, Sindhudurg, in Criminal Revision Application No. 3 of 2002. The learned Sessions Judge, Sindhudurg, by order dated 04th November 2003, discharged Accused Nos. 5 and 6 from all the offences and Accused Nos. 1 to

4, i.e. present petitioners, from the offences punishable under Sections 406, 415, 416 and 420 read with Section 34 of the I.P.C. However, the application to discharge them from the charge under Section 424 read with Section 34 of the I.P.C. remained pending. Aggrieved by the same, the petitioners have preferred this petition.

4. Learned Senior Advocate for the Petitioners and learned counsel for Respondent No. 2 jointly submitted that the matter has been settled between the parties and the offence under Section 424 read with Section 34 of the I.P.C. is compoundable. Respondent No. 2 has also filed an affidavit dated 16th September, 2026, affirming that he does not wish to proceed with the present matter or pursue the complaint and criminal proceedings; accordingly, he has given no objection to allow this petition.

5. Respondent No.2 – Complainant appeared through V. C. from the Malvan Court, who has been identified by his learned counsel present in the Court. Respondent No. 2 states that he does not want to proceed with the matter and has no objection to quashing the proceedings against the petitioners and allowing the petition. His statement is accepted.

6. Thus, it seems that the matter has been amicably settled between the parties. Pursuant to the settlement, Respondent No. 2 has given no objection to quashing the proceedings and allowing this petition. Moreover,

the nature of the offence is neither heinous nor antisocial, but arose out of a money transaction.

7. Thus, in view of the above facts, in my considered opinion, it would not be proper to continue the proceedings against the petitioners pending before the learned Magistrate. Continuing the proceedings in such an eventuality would amount to an abuse of the process of law and would not serve the ends of justice. As such, it is fit case to exercise the inherent powers of this Court to secure the ends of justice.

8. In the result, ***the Criminal Writ Petition is allowed in terms of prayer clause (a),*** which reads thus :-

> *a) This Hon'ble Court be pleased to call for the records and proceedings in the present case and on the perusal thereof be pleased to quash and set aside the impugned order dated 4/11/2003 passed by the Ld. Sessions Judge, Sindhudurg in Original Application No. 3 of 2002 claiming charge against the Petitioners under Section 424 read with Section 34 of I.P.C. in Regular Criminal Case No. 86 of 1998 pending before the Ld. J.M.F.C., Malvan.*

9. **Rule is made absolute in the above terms**.

10. Inform the concerned Court accordingly.

11. The Petition stands disposed of.

(ABHAY J. MANTRI, J.)

SSD