

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.530 OF 2020

Manesh Brijlal Shah & ors. : Applicants.  
Versus  
The State of Maharashtra and anr. : Respondents.

Mr. Hitesh P Shah for the Applicants.  
Mr. P P Shinde, APP for the Respondent/State.  
Mrs. Khushbu Pratik Shah – Respondent No.2 present.  
Mr.Nitin Phulpagare, PSI of Bhayander Police Station present.

CORAM : S. S. SHINDE,  
ABHAY AHUJA, JJ  
(VACATION COURT)  
DATE : 31<sup>st</sup> DECEMBER 2020

P.C.

1 By this Criminal Application filed under Section 482 of the Criminal Procedure Code 1973 the Applicants are seeking directions for quashing of FIR No.683/2020 dated 05/12/2020 under Sections 498-A, 406, 504, 506 of IPC registered at Bhayander Police Station, District Thane on the basis of Compromise arrived at between the Applicants and the 2<sup>nd</sup> Respondent.

2 Learned Counsel appearing for the Applicants submits that the parties have amicably settled the dispute.

3 The 2<sup>nd</sup> Respondent Mrs. Khusbhu Pratik Shah is personally present before this Court. She is identified by the learned counsel appearing for

the Applicants and the PSI Mr.Nitin Phulpagare, who is attached to Bhayander Police Station. On interaction with Respondent No.2, she has stated that she has voluntarily, out of her free will, without any coercion and without undue influence agreed for the compromise. She has further stated that she has no objection for quashing the FIR lodged against the Applicants by her, and has also filed the affidavit which is annexed to the Application at Page 14.

4           The Supreme Court in the case of **Giansingh v. State of Punjab and Another**<sup>1</sup> has held that 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. It has also held that inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline

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1 2012 (10) SCC 303

engrafted in such power viz.: (i) to secure the ends of justice, or (ii) to prevent abuse of the process of any court.

5            Since the Applicants and Respondent No.2 have amicably settled the dispute, we are inclined to allow this Application as Respondent No.2 is not going to support the allegations made in the impugned FIR and chance of conviction of the Applicants would be bleak, and therefore, continuation of further proceedings arising out of the said FIR, would be an exercise in futility and would tantamount to abuse of process of the Court.

6            In that view of the matter, to secure the ends of justice and to prevent the abuse of the process of the Court, the Application deserves to be allowed, and the said FIR is required to be quashed. Accordingly the Application is allowed in terms of prayer clause (a). The Application stands disposed of with no order as to costs.

7            This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

**[ABHAY AHUJA, J]**

**[S. S. SHINDE , J]**