

(2017) 05 BOM CK 0095
In the Bombay High Court
Case No : 81 of 2017

SALIL BANDODKAR, & ORS.

APPELLANT

Vs

STATE OF GOA, & ORS.

RESPONDENT

Date of Decision : 04-05-2017

Acts Referred:

Code of Criminal Procedure, 1973, Section 482, Section 320 - Saving of inherent powers of High Court - Compounding of offences
Indian Penal Code, 1860, <a href=1767-141

Citation : (2017) 05 BOM CK 0095

Hon'ble Judges : F.M.Reis, Nutan D. Sardessai

Bench : DIVISON BENCH

Advocate : Shailesh Redkar, Mahesh Amonkar, V.Amonkar

Judgement

1. Rule. Heard forthwith with the consent of the parties. Shri Mahesh Amonkar, learned Additional Public Prosecutor waives notice on behalf of the respondents no.1 and 2 and Shri V.Amonkar, leared Advocate waives notice on behalf of the respondent no.3.

2. The petitioners are taking exception to the FIR no.155/2016 dated 30.10.2016 registered with the respondent no.2 based on the complaint filed by the respondent no.3 for the offences punishable under Sections 323, 324, 506, 141, 143, 147 read with Section 149 IPC. It was their case that while the respondent no.3 was at the PDA Colony alongwith his friends, there was a scuffle between the petitioners on the one side and the respondent no.3 with his friends on the other resulting in the complaint on 30.10.2016 giving rise to the registration of the offence vide the FIR No.155/2016. The petitioner no.2 had also filed a complaint against the respondent no.3 and the other persons involved in the said scuffle and an FIR was registered bearing No.154/2016. However, there was a composite understanding and overall amicable resolution of the dispute between the petitioners and the respondent no.3 and others and they had filed a separate petition before this Court invoking the powers of this Court under Section 482

CrPC for quashing the FIR No.154/2016.

3. It was the petitioners' case further that the complaint filed by the respondent no.3 was lodged purely out of misunderstanding and misapprehension. The petitioners were persons of young age and mostly students who had no other criminal case pending against them and had no other criminal record. They had decided to settle the disputes between themselves and had approached the respondent no.3 who after understanding the correct factual position and keeping the greater good of the petitioners as well as the respondent no.3 and other persons in mind, agreed to settle the disputes and filed the present petition. However, as some of the offences alleged are not compoundable in nature, the petitioners were constrained to move this Court by invoking its jurisdiction under Section 482 CrPC. The present criminal case was harming the reputation of the petitioners in the locality and was also affecting their academic career as well as family life. Moreover, they had a bright future and the pendency of the criminal proceedings was an obstacle for them and therefore, they had agreed to settle the disputes between themselves and improve their future relationship.

4. We have heard Shri S. Redkar, learned Advocate for the petitioners, Shri M.Amonkar, learned Additional Public Prosecutor for the respondents no.1 and 2-State and Shri V.Amonkar, learned Advocate for the respondent no.3 who also filed an affidavit stating on oath that he had conveyed his consent and no objection for granting the relief as sought for by the petitioners in the present petition. They had amicably settled the dispute which had arisen on account of a misunderstanding between the petitioners and himself. He had no grievance against the petitioners and was not interested in continuing the criminal proceedings which was causing inconvenience to him and other persons involved in the case.

5. All the offences except that under Section 324 IPC is non-compoundable in terms of Section 320 CrPC. Nonetheless, considering the factual matrix and that the parties have amicably settled the disputes between themselves which have arisen on account of a petty scuffle and that all the petitioners including the respondent no.3 are students who have a long career ahead and considering the law laid down by the Hon'ble Apex Court in *Gian Singh Vs. State of Punjab* and another [(2012)10 SCC 303] and *Yogendra Yadav Vs. State of Jarkhand* [(2014) 9 SCC 653] and that there should not be a lame prosecution and undue wastage of the Court time, we find it appropriate in the circumstances of this peculiar case to allow the petition.

6. . In the result, we pass the following : Order

Rule is made absolute in terms of prayer clause (a). The petition is accordingly disposed off with no order as to costs.