

IN THE HIGH COURT OF BOMBAY AT GOA.

CRIMINAL WRIT PETITION NO. 102 OF 2015.

Mr. Alson Rodrigues,
Resident of flat No.B/8,
Building no.2, Kenkre Estate,
Cabesa, St. Cruz, Goa.

.....Petitioner.

Versus

1. State of Goa,
through its Public
Prosecutor, Office of the
Public Prosecutor,
Panaji, Goa.

2. Mr. Ravindra Hari Bhandari,
Son of Late Hari Bhandari,
51 years, Resident of H. No.
F-4, St. Anthony Residency,
Odlembhat, Taleigao Goa.

..... Respondents.

Mr. S. M. Singbal, Advocate for the petitioner.
Ms. M. Pinto, Additional Public Prosecutor for the respondent
no.1.
Respondent no.2 present in person.
Complainant present.

**Coram:-F. M. REIS,
K. L. WADANE,JJ.**

Date:-28th September, 2015.

ORAL JUDGMENT (Per K. L. Wadane, J)

Heard Mr. S. M. Singbal learned Advocate
appearing for the petitioner, Ms. M. Pinto, learned Additional
Public Prosecutor appearing for the respondent no.1, original
complainant and injured/respondent no. 2 in person.

2. Rule made returnable forthwith.

3. Heard by consent of the learned Counsel appearing for the respective parties. Ms. M.Pinto, learned Additional Public Prosecutor waives notice on behalf of the respondent no.1 and the respondent no. 2 waives notice on his behalf.

4. That on 6.7.2011, the respondent no. 2 was driving rickshaw and at about 7.45 a.m, the petitioner came in high speed driving his car and gave tremendous dash to the rickshaw in which the respondent no. 2 was seriously injured. The first information report of the complaint was given by the complainant i.e brother of the respondent no. 2 namely Chandrakant Bhandari. On the basis of which offence punishable under Sections 279 and 338 of IPC and under Section 196 of the M.V. Act was registered and after investigation, the chargesheet was filed. The prosecution examined the witnesses so also two persons were examined on behalf of the accused/ petitioner.

5. The respondent no. 2 filed Claim Petition under Section 166 of the M.V. Act and it was settled and compensation of Rs.2,50,000/- was paid to the respondent no. 2. Subsequently, the petitioner and the respondent no. 2 moved an application for compounding of the offence. However, learned Chief Judicial Magistrate, Panaji compounded the offence punishable under Section 338 of

IPC and Section 196 of the M. V. Act. However, failed to compound the offence punishable under Section 279 of IPC as the offence is not compoundable.

6. Today, the petitioner, the complainant and the injured/respondent no.2 are present and have stated that they have settled the dispute amicably and given no objection to grant the relief sought by the petitioner in the petition. The complaint and the respondent no. 2 further states they have no objection to quash and set aside the Criminal Case No. 123/2013/A.

7. Ms. M. Pinto, learned Additional Public Prosecutor has no objection to allow the petition.

8. Looking to the facts and circumstances of the case and the fact that the parties have amicably settled their dispute, therefore in such circumstances, continuation of a criminal proceedings is meaningless.

9. Now it is well settled law that this Court has powers to quash and set aside the criminal proceedings under the provisions of Section 482 of Cr.P.C. Having regard to the fact that the parties have amicably settled their dispute and the victim has no objection, even though offence is non compoundable. By way of filing an application before the

Chief Judicial Magistrate, Panaji, the complainant and the respondent no. 3 have withdrawn the allegations and have settled the dispute amicably.

10. In such circumstances and in the interest of justice petition deserves to be allowed and accordingly, it is allowed and Criminal Case No. IPC/21/12/A pending before the Chief Judicial Magistrate, Panaji is hereby quashed and set aside.

11. Rule made absolute in the aforesaid terms.

12. Petition stands disposed of accordingly.

K. L. WADANE, J.
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F. M. REIS, J.