

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

CRIMINAL WRIT PETITION NO. 1863 OF 2016

Mrs. Suhasini Menda

... Petitioner

Vs

Ms. Radhika Katoch & Ors.

... Respondents

...

Ms. Nidhi Singh i/b. Joy Legal Consultant for the petitioner.

Ms. Radhika Katoch, Respondent No. 1 present in person.

Mr. H. J. Dedhia, APP for the State.

**CORAM : B. R. GAVAI &
B. P. COLABAWALLA, JJ.**

DATE : 30 MAY, 2016

VACATION COURT

P.C. :

1 Rule. Rule made returnable. Heard by consent. The petitioner as well as the respondent No. 1 are personally present in court and they are identified by the learned counsel for the petitioner. The petitioner has approached this court for quashing the criminal proceeding registered vide FIR No. 133/2016 dated 20th April 2016.

2 The respondent No. 1-First Informant was traveling on her two-wheeler on 18th April 2016. When she was traveling near churchgate it appears that the petitioner who was driving four-wheeler, was taking the

reverse. This resulted in accident and the first informant was required to be treated for fracture in her left leg. On the basis of such allegation the FIR came to be lodged.

3 However during the pendency of the proceeding the parties have amicably settled the matter. The respondent No. 1 has filed her affidavit along with the petition stating therein that she does not wish to prosecute the criminal proceeding against the petitioner. It is further stated that the respondent no. 1 who is the daughter of a navy officer is required to shift to Delhi inasmuch as her father is transferred and therefore it will be inconvenient for her to come to Mumbai every now and then, if she continues with the criminal prosecution.

4 The Hon'ble Apex Court in the case of *Narinder Singh & Ors. V/s. State of Punjab & Ors, reported in (2014) 6 Supreme Court Cases 466* has held that in such matter, where no element of public law is involved and where the parties have amicably settled the matter, this court can exercise powers under section 482 of Cr. P. C. to give an end to the criminal proceeding. Undisputedly, nothing against public law is involved in the present matter. The incident is an outcome of a freak accident.

5 In that view of the matter, we find that it is a fit case for exercising the of powers under section 482 of Cr. P. C. and giving end to the criminal proceeding. Rule is therefore made absolute in terms of prayer clause (a).

(B. P. COLABAWALLA, J.)

(B. R. GAVAI, J.)