

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2592 OF 2016

Dr.R.A.Chhoga. .. Petitioner
Vs
The State of Maharashtra and Another. .. Respondents
—
Shri Mehul Shah for the Petitioner.
Shri K.V. Saste, APP for the Respondent No.1.
Shri Daljeet Singh Bhatia for the Respondent No.2.
—

CORAM : A.S. OKA & A.A.SAYED, JJ
DATED : 24TH AUGUST 2016

PC.

1. Rule. The learned APP waives service for the first Respondent and the learned counsel appearing for the second Respondent waives service.

2. The prayer in this Petition under Article 226 of the Constitution of India is for quashing the proceedings initiated for commission of offences punishable under Section 279 and 337 of the Indian Penal Code.

3. The allegation made by the second Respondent Complainant is that on 11th March 2016 in the afternoon, he was proceeding towards his College by a Motorcycle. At that time, one Alto

Motor Car driven by the present Petitioner came from behind and gave a dash to the Motorcycle. As a result of impact, the second Respondent fell down. He suffered injury to right toe.

4. The second Respondent has filed an affidavit stating that he suffered a minor injury to his right toe. He stated that the Petitioner has expressed regret which he has accepted and therefore, he has no objection for quashing the proceedings.

5. The offence punishable under Section 337 is compoundable at the instance of the injured person.

6. Apart from the fact that there is no specific allegation of negligence made in the statement of the second Respondent on the basis of which the First Information Report is recorded, there is a settlement between the Petitioner and the second Respondent.

7. In view of the law laid down by the Apex Court in the decision in the case of *Gian Singh v. State Bank of Punjab*¹, this is a fit case to exercise the power under Section 482 of the Code of Criminal Procedure, 1973 for quashing the criminal proceedings.

1 (2012) 10 SCC 303

8. Accordingly, we pass the following order:

ORDER :

(a) The Rule is made absolute in terms of prayer clause

(c) which reads thus:

“(c) That considering the facts and circumstances of the case, the Criminal proceedings being case No.7300658/PS/2016 before the Hon'ble Metropolitan Magistrate's 73rd Court, Vikhroli, Mumbai for offence U/s 279 and 337 of IPC be quashed.”

(b) All concerned to act upon an authenticated copy of this order.

(A.A. SAYED, J)

(A.S. OKA, J)