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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1276 OF 2015

Malay Sureshchandra Shah

..Applicant.

V/s.

The State of Maharashtra and Anr.

..Respondents.

Ms. Anita M. Bafna for the applicant.

Mr.J.P.Yagnik, APP for the respondent-State.

**CORAM : NARESH H.PATIL AND
A.M.BADAR, JJ.**

DATED : 15TH MARCH, 2016

P.C. : -

1. By this application under Section 482 of the Code of Criminal Procedure, 1973, the applicant is praying for quashing of Criminal Case No.1062/PS/2015 pending on the file of the learned Additional Chief Metropolitan Magistrate, 40th Court, Girgaum, Mumbai.

2. It is the case of prosecution that on 5th December, 2014 at about 10.00 p.m., the applicant drove his car in a rash and negligent manner and caused accident in which

respondent No.2 / informant came to be injured. Respondent No.2 suffered grievous hurt and her left leg was fractured in said accident. The F.I.R. bearing C.R. No.232/2014 came to be registered against applicant with Gaondevi police station, Mumbai for offence punishable under sections 279 and 338 of Indian Penal Code, 1860. After completion of investigation, charge-sheet came to be filed which has resulted in registration of Criminal Case No.1062/PS/ 2015.

3. We have heard learned counsel appearing for applicant as well as respondent No.2. They have unanimously submitted that they have settled the matter outside the Court. Respondent No.2 has tendered an affidavit dated 15th March, 2016 wherein it is stated that she has no objection to quash the F.I.R. bearing C.R. no.232/2014 resulting in filing Criminal Case No.1062/PS/2015 pending on the file of Additional Chief Metropolitan Magistrate, 40th Court, Girgaum, Mumbai. Respondent No.2 has also tendered on record the consent terms at Exhibit-B (page 44 of the petition) reflecting that the applicant has made payment of Rs.5 lacs as compensation to her and she has no objection for quashing of criminal case. Respondent No.2 who is present in person before the Court

has reiterated that she has settled the dispute outside the Court and has no objection for quashing the F.I.R.

4. As parties have amicably settled the dispute outside the Court and as respondent No.2 has even agreed to withdraw her claim pending under the Motor Vehicles Act, 1988, continuation of criminal proceedings against applicant will certainly result in wastage of time of trial Court and chances of conviction of the applicant are very remote. For securing ends of justice and to prevent the abuse of process of the Court, we feel that the case in hand is a fit case for invoking the inherent powers of this Court. Hence application is allowed.

5. Criminal Case No.1062/PS/2015 pending on the file of Additional Chief Metropolitan Magistrate, 40th Court, Girgaum, Mumbai for the offences punishable under sections 279 and 338 of Indian Penal Code, 1860 and sections 12 and 177 of the Motor Vehicles Act, 1988 registered on the basis of the F.I.R. bearing C.R. No.232/2014 with Girgaum police station, Mumbai is hereby quashed and set aside.

(A.M. BADAR, J.)

(NARESH H.PATIL, J.)