

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL WRIT PETITION NO.104 OF 2017**

1. Vinay Rai,
Major of age,
son of Mr. Mansaram Rai,
Resident of House No.B-226,
Kedarnath Building,
Alto-Betim, Bardez-Goa
2. Prashant Rai,
Major of age,
son of Mr. Mansaram Rai,
Resident of House No.B-226,
Kedarnath Building,
Alto-Betim, Bardez-Goa .. Petitioners

V/s.

1. State of Goa
Through the Public Prosecutor
Having office at Panaji-Goa.
2. Smt. Samita Sawant
Wife of Mr. Baliram Sawant,
House No.549,
Near Saibaba Temple,
New Vaddem Vasco
3. Shri Milind Kinlekar
r/o Ameya, Plot No.8,
Kurtarkar Nagari,
Shantinagar, Ponda-Goa .. Respondents

Mr. C. Padgaonkar, Advocate for the Petitioners.

Mr. S. R. Rivankar, Public Prosecutor for the respondent no.1.

Mr. V. Amonkar, Advocate for respondent no.3.

**CORAM: C. V. BHADANG &
PRITHVIRAJ K. CHAVAN, JJ.
DATE : 13th July, 2017.**

JUDGMENT : (Per C. V. Bhadang, J.)

Leave to delete respondent no.2 and correct the name of respondent no.3, is granted. Necessary deletion and correction to be made forthwith.

2. Rule, made returnable forthwith. The learned Public Prosecutor waives service for the first respondent. Shri Amonkar, the learned Counsel waives service for the third respondent. Heard finally by consent of the parties.

3. The petitioners are seeking quashing of the proceedings in Criminal Case No.IPC/297/S/2015/B before the learned Judicial Magistrate, First Class at Mapusa. The petitioners have have been chargesheeted for the offences punishable under Sections 341, 427, 323, 504, 506, 379 and 279 of Indian Penal Code (IPC, for short). We have perused the complaint dated 26/02/2014, lodged by the third respondent and it appears that there was an incident, in which I20 Hundai Car brushed the

Innova vehicle, which was being driven by the complainant. On the basis of the complaint lodged by the third respondent, the offences as aforesaid came to be registered and on completion of investigation, a chargesheet is filed as aforesaid against the petitioners.

4. It appears that the parties have amicably settled the dispute and the third respondent has filed an affidavit dated 12/07/2017, stating that he has no objection for quashing the chargesheet.

5. The learned Counsel for the parties submit that except offences under Sections 279 and 506(ii) of IPC, all the other offences are compoundable.

6. We have heard the learned Counsel for the petitioners and the learned Counsel for the third respondent. We have also heard the learned Public Prosecutor for the respondent no.1/ State.

7. The Hon'ble Apex Court in the case of ***Gian Singh Vs. State of Punjab and another***; [2012(10) SCC 303] has, *inter*

alia, held that if the victim and the complainant amicably settle the matter, in an appropriate case, this Court can exercise powers under Section 482 of Cr.P.C., to quash the proceedings. It is now well settled that the offences, not having any public law element, can always be quashed, depending upon the facts and circumstances of each case and in view of the settlement between the parties. In our considered view and looking to the circumstances, in which the offence is alleged to have been committed and having regard to the fact that the petitioners and the third respondent have amicably settled their dispute, this Court can exercise powers under Section 482 of Cr.P.C., in order to bring an end to the prosecution.

8. In the result, The petition is allowed. Rule is made absolute in terms of prayer clause (a).

PRITHVIRAJ K. CHAVAN, J. **C. V. BHADANG, J.**
SMA