

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.732 OF 2017

Mr. Kunaal Raman KhannaApplicant

V/s.

The State of Maharashtra & Anr.Respondents

Mr. Vikram Sutaria with Mr. Kunal Ambulkar, Advocates for Applicant.

Mrs. S.D.Shinde, APP for the Respondent-State.

Mr. A.A.Nalawade, Advocate for Respondent No.2.

**CORAM :- R.M. SAVANT &
SANDEEP K. SHINDE, JJ.**

DATE :- 10TH AUGUST, 2017.

RC. :-

By the above criminal application, the applicant seeks quashing of the proceedings being RCC No.1628 of 2012 pending on the file of the learned JMFC, Panvel, which case is arising out of C.R.No.I-35/2012 registered with the Kharghar Police Station, Navi Mumbai for the offences punishable under Sections 279 and 338 of the IPC read with Section 184 of the Motor Vehicle Act. Respondent No.2 herein who is the first informant has filed an affidavit dated 10.8.2017. In the context of the reliefs sought in the present petition, paragraphs 2 and 4 of the said affidavit are material and

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are re-produced hereunder:

“2 I say that after the said accident, while I was admitted in Hospital, the Applicant took care of my medical expenses and have also compensate me in terms of amount of Rs.80,000/-. Looking at such kind of gesture of the Applicant and understanding that the act which led to the said criminal proceedings was a mere unfortunate accident, I do not wish to pursue the said case and hence I agree with the contents narrated in the application preferred by the Applicant.

4 I say that I have no objection if R.C.C.N.1628 of 2012 on the file of Ld. JMFC, Panvel arising out of C.R.No.I-35/2012 dated 05/02/2012 registered with Kharghar Police Station, Navi-Mumbai, for offences punishable u/s.279 and 338 of the Indian Penal Code and u/s 184 of the Motor Vehicle Act is quashed.”

2 The said affidavit, therefore, evidences the settlement arrived at between the parties. Having regard to the judgments of the Apex Court in the case of **Narinder Singh v. State of Punjab (2014) 6 SCC 466** and **Gian Singh v. State of Punjab (2012) 10 SCC 303**, there is no impediment in quashing and setting aside the said FIR as no useful purpose would be served by keeping the proceedings pending.

3 Respondent no.2 is personally present in the Court. She is identified by Advocate Shri Nalawade,the learned counsel appearing for her and she is also identified by her Adhar Card bearing No.2378 6476 9907. When put in the box and queried, she states that affidavit tendered today is hers and the thumb impression on the said affidavit is also hers and that she has been explained and made to understand the contents of the said affidavit. She reiterates what has been stated in the said affidavit. The above criminal application is accordingly allowed and made absolute in terms of prayer clause (a) and to accordingly stand disposed of.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)