

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3653 OF 2017**

Riya Pratik Shah

..Petitioner

Vs.

State of Maharashtra & Anr

..Respondents

Ms Trupti A Bharadi for the Petitioner

Mr. Vishal Katkar for the Respondent No.2

Mrs. M. H. Mhatre APP for the Respondent State

**CORAM :R. M. SAVANT, &
SANDEEP K. SHINDE, JJ
DATE : 15th SEPTEMBER, 2017**

P.C.

1 The above Criminal Writ Petition has been filed for quashing of the proceedings being Case No.500/PS/2017 pending on the file of the Learned Additional Chief Metropolitan Magistrate, 20th Court, Esplanade, Mumbai. The said case has arisen out of the FIR dated 26-4-2017 lodged with the L. T. Marg Police Station, Mumbai being C. R. No.111 of 2017 for the offences punishable under Sections 279, 338, 427 of the Indian Penal Code. The said FIR has arisen out of the incident which took place on 26-4-2017 in which the Petitioner's car had dashed the Respondent No.2 i.e. the first informant. In the context of the relief sought in the above Criminal Writ Petition, paragraphs 3 and 4 of the affidavit filed by the Respondent No.2 dated 15-9-2017 and sworn in this Court are relevant and are reproduced hereinunder:

3 I say that the Petitioner has sought apology to me in front of the Police Authorities and also explained to me that it was not her fault intentionally. She has also been behaving apologetic to me over a period of time. I say that on humanitarian grounds I hereby forgive the Petitioner against the case. I also request the Petitioner to be careful while driving in the future.

4 I say that the Petitioner and I have settled for an out-of-court settlement and the Petitioner has compensated me for all my medical expenses, loss of business and the damage caused to my vehicle. She has handed me over with a Pay Order dated on the 15th day of September 2017 with Pay Order number as 003221 of the SVC Co-operative Bank Ltd. (dated 15-9-2017) for the total compensation amount Rs.19,000/- (Rupees Nineteen Thousand Only) incurred to me towards medical expenses, loss of business and the damage caused to my vehicle. I therefore request the matter to be quashed by the Honourable High Court.

2 Hence the filing of the affidavit of the Respondent No.2 discloses that the parties have amicably settled the dispute arisen on account of the accident in question. The affidavit discloses that the Respondent No.2 has been compensated in the sum of Rs.19,000/- for which a pay order bearing today's date is handed over to the Respondent No.2. The Respondent No.2 is personally present in Court. He is identified by the Learned Counsel Mr. Katkar appearing for him. He is also identified by his Driving Licence bearing

No.MH-02 20140043305 issued on 20-11-2014. When put in the box and queried he states that he has filed the said affidavit of his own free will and volition and that the contents of the affidavit are acceptable to him. He further states that he has received the Demand Draft of Rs.19,000/- as mentioned in paragraph 4 of the said affidavit. In view of the said affidavit coupled with the statement made by the Respondent No.2 in the and having regard to the judgments of the Apex Court in the matter of **Gian Singh Vs. State of Punjab & Anr.**¹ and **Narinder Singh & Ors. Vs. State of Punjab & Anr.**², there is no impediment in allowing the above Criminal Writ Petition. No useful purpose would be served in keeping the above Criminal Writ Petition pending, the above Criminal Writ Petition is accordingly allowed and made absolute in terms of prayer clause (b). The above Criminal Writ Petition is accordingly disposed of.

3 The Petitioner to pay costs of Rs.10,000/- to be deposited with the National Association of Blind, Worli, within 6 weeks from date, receipt to be obtained and to be filed in the registry.

4 The Learned Counsel Mr. Katkar undertakes to file his vakalatnam on behalf of the Respondent No.2, if not already filed within one week from date. Undertaking accepted.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]

¹ (2012) 10 Supreme Court Cases 303

² 2014 AIR scw 2065