

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2112 OF 2018

Ms. Meahak Manoj Sippy Petitioner

Vs.

The State of Maharashtra & Ors. Respondents

Mr. A.U. Nikam a/w Aashish Satpute for the petitioner.

Mr. Rohan Mahadik for Respondent nos.2 to 6

Mr. Deepak Thakare PP a/w Mr. K.V. Saste, Additional P.P for the State.

Coram : R.M. Savant AND
Sarang V. Kotwal, JJ

Date : 4th May, 2018

P.C.

1 The above writ petition has been filed for quashing of the F.I.R. being C.R.No.20 of 2018, registered with the Malabar Hill Police Station, Mumbai on 21st February 2018 for the offences punishable under Sections 279,337,338 of the Indian Penal Code and 250(A)(1) of the Motor Vehicles Rules,1989. The said F.I.R. has arisen out of the accident, which took place on

21st February 2018, in which accident, the vehicle driven by the Petitioner herein was involved. The first informant is the Respondent no.2. The Respondent nos. 3 and 4 were passengers in the taxi, which was driven by the Respondent no.2. The Respondent nos. 5 and 6 were on the motor-bike, which was driven by the Respondent no.5 and who were also involved in the accident on account of the pipeline reaction which took place on the petitioner's vehicle banging into the taxi of the Respondent no.2.

2 It is not necessary to dilate further on facts as the Respondent nos.2 to 6 have filed an affidavits in this Court giving their consent for quashing of the F.I.R. The Respondent no.2 i.e. the first informant as indicated above has filed an affidavit dated 26th April, 2018 affirmed in this Court on the said day. In the context of the relief sought in the above writ petition, paragraph 5 of the said affidavit is material and is reproduced hereinunder :

“5. I hereby confirm that, whatever stated in the above petition and whatever stated herein above is true and correct to the best of my knowledge and belief. In confirm that I have no any claim pending against the Petitioner. All the issues and misunderstandings between me and the Petitioner have been resolved amicably. Hence, I am filing this affidavit supporting the petition for quashing of FIR being No. 20/18 for offence under Sections 279, 337, 338 of the Indian Penal Code and 250(a) of Motor Vehicles Act and thus hereby humbly pray to allow the said petition, in the interest of justice.”

3 The affidavits filed by the other Respondents are also identical in as much as they have referred to the amicable settlement arrived at between the parties, as a result of which, they have stated that they are supporting the above petition, which has been filed for quashing.

4 The Respondent no.2, Suresh Dashrath Thakur is personally present in Court. He is identified by the learned counsel, Mr. Rohan Mahadik. He is also identified by his Adhar Card bearing No. 5727 4057 9761. When put in the box and queried, he states that he has been read over and explained the

contents of the affidavit, which has been filed on his behalf. He further states that he has understood the contents of the said affidavit and that he has signed the same of his own free will and volition. He lastly states that he does not desire to proceed with the F.I.R. in question, in view of the out of Court settlement between the parties.

5 The Respondent no.3, Dipak Kumar Raut is also personally present in Court. He is identified by the learned counsel, Mr. Rohan Mahadik. He is also identified by his PAN Card bearing No. BTMPR8033G. When put in the box and queried, he reiterates what has been stated by the Respondent no.2.

6 The Respondent no.4, Tapas Kumar Raut is also personally present in Court. He is identified by the learned counsel, Mr. Rohan Mahadik. He is also identified by his Adhar Card bearing No. 6864 1452 4998, wherein the address

mentioned is of Cuttak, Odisha. When put in the box and queried, he reiterates what has been stated by the Respondent no.3.

7 Respondent no. 5 Sunil Sadashiv Shringare is also personally present in Court. He is identified by the learned counsel, Mr. Rohan Mahadik. He is also identified by his Adhar Card bearing No. 9030 1712 0427, When put in the box and queried, he also states likewise.

8 Respondent no. 6 Ramchandra Bhiva Joshi is also personally present in Court. He is identified by the learned counsel, Mr. Rohan Mahadik. He is also identified by his Adhar Card bearing No. 9381 5184 5932, When put in the box and queried, he makes a statement in the same terms as the other respondents.

9 The petitioner–Ms. Meahek Manoj Sippy is also personally present in Court. She is identified by the learned counsel, Shri. Nikam. She is also identified by her PAN Card bearing No. HMPPS3302P. When put in box and queried, she accepts the factum of the settlement having taken place between the parties. She further states that she has gone through the affidavits filed by the Respondent no.2 and the other Respondents.

10 Having regard to the affidavits filed by the Respondent no.2 and the other Respondent nos. 3 to 6 as also the statements made by them, when put in the box and queried as also the statements made by the Petitioner, the same lead to conclusion that the parties have amicably resolved their dispute.

11 To satisfy ourselves, we had enquired from the learned Additional PP as to the nature of the injuries that were suffered by the Respondents. On such query, the learned

Additional PP informed us that there is no fracture and the injuries suffered are simple in nature.

12 Having regard to the judgments of the Apex Court in the matter of Gian Singh V/s State of Punjab & Anr. reported in (2012) 10 SCC 303 and Narinder Singh & Ors. Vs. State of Punjab & Anr., reported in (2014) AIR SCW, 2065 no useful purpose would be served in keeping the proceedings pending. The petition would accordingly be required to be allowed and is accordingly allowed in terms of prayer clause (b).

13 The Petitioner to deposit costs of Rs.20,000/- with the Tata Memorial Centre i.e. Tata Memorial Hospital, Mumbai within six weeks from date. Receipt to be obtained and filed in the Registry.

(Sarang V. Kotwal, J.)

(R.M. Savant, J.)