

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL WRIT PETITION NO. 4709 OF 2017**

**Pranav Sanjeev Kanwar  
Vs.  
Manojkumar Bharti & Anr**

**..Petitioner  
..Respondents**

**Ms Mrunmai Kulkarni for the Petitioner  
Mr. Aditya Mithe for the Respondent No.1  
Mr. K. V. Saste Addl PP for the Respondent State**

**CORAM :R. M. SAVANT, &  
SANDEEP K SHINDE,JJ  
DATE : 16<sup>th</sup> JANUARY, 2018**

**P.C.**

1           The above Criminal Writ Petition has been filed for quashing and setting aside the proceedings being CC No.339/PS/2010 pending on the file of the Learned Additional Chief Metropolitan Magistrate, 5<sup>th</sup> Court, at Bhoiwada (Dadar) Mumbai, which has arisen out of the FIR registered under Section 279 and 337 [wrongly mentioned as 327 in the prayer clause (a)] of the IPC. The said FIR was registered in view of the collision which took place on the road between the Petitioner's vehicle and the taxi of the Respondent No.1.

2           The Respondent No.1 has filed an affidavit dated 10-11-2017. In the context of the relief sought in the above Petition paragraphs 2, 3 and 4 of the said affidavit are material and are reproduced hereinunder:

2. During the pendency of the aforesaid proceedings, I being the original complainant on one part and the Petitioner / original Accused on the other part, have arrived at an amicable settlement and therefore I have decided to withdraw the impugned complaint. I say that the matter has been settled now and that no further claim remains to be satisfied by the Petitioner / Accused or of any nature whatsoever against the Petitioner now or at any point in the future.

3. In the light of the above settlement entered into and arrived at between both the parties and subject to the compliance of the same, I being the original complainant do not wish to proceed with the above case filed against the Petitioner.

4. Hence without going into the merits of the matter and without intending to press any allegations levelled by me, I seek to withdraw all allegations against the Petitioner in the light of the above mutual settlement arrived at between both the parties. I further state that the same is being done by me without any coercion, force or influence and is given out of my free consent.

A reading of the said affidavit discloses that the parties have amicably settled the dispute as a result of which the Respondent No.1 is agreeable to the quashing of the proceedings which have arisen out of the FIR registered in respect of the accident which has taken place.

3                      The Respondent No.1 Manojkumar Bharti is personally present in

Court. He is identified by the Learned Counsel Mr. Aditya Mithe. He is also identified by his Pancard No.DBKPK0950H. When put in the box and queried he states that the parties have arrived at a settlement as a consequence of which he has filed the said affidavit dated 10-11-2017. He states that he does not desire to proceed with the said Criminal Case. He further states that he has filed the affidavit of his own free will and volition.

4           The Petitioner Pranav Kanwar is personally present in Court. He is identified by the Learned Counsel Ms Mrunmai Kulkarni. He is also identified by his Driving Licence No.MH01 20090065530 issued on 22-6-2009 and valid up to 21-6-2029. He states that a settlement has been arrived at between the parties as a consequence of which he has given whatever was to be given to the Respondent No.1. In terms of the said settlement and in the light of the affidavit filed by the Respondent No.1 as also the statements made by the Respondent No.1 and the Petitioner when put in the box and having regard to the judgments of the Apex Court in the matter of **Gian Singh Vs. State of Punjab & Anr.**<sup>1</sup> and **Narinder Singh & Ors. Vs. State of Punjab & Anr**<sup>2</sup>, there is no impediment in allowing the above Criminal Writ Petition. No useful purpose would be served in keeping the proceedings pending, the above Criminal Writ Petition is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Writ Petition is accordingly disposed of.

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1 (2012) 10 Supreme Court Cases 303

2 2014 AIR scw 2065

6           The Petitioner to deposit costs of Rs.25,000/- with the National Association of Blind, Worli, within 6 weeks from date, receipt to be obtained and filed in the registry.

**[SANDEEP K. SHINDE, J]**

**[R.M.SAVANT, J]**