

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.820 OF 2019

Kunal Gopal Chopra

..Petitioner

V/s.

The State of Maharashtra & Ors.

.. Respondents

Ms.Sartaj Shaikh for the Petitioner.

Mr.K.V. Saste, APP for the Respondent-State.

Ms.Binal Shah for Respondent Nos.2 to 6.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 15th MARCH 2019

P.C.

1. Heard the learned counsel for the petitioner, learned counsel for respondent Nos.2 to 6 and the learned APP for the State.

2. The petition is filed for quashing and setting aside the FIR bearing No.17 of 2019 registered with BKC Police Station, at the instance of respondent No.2 for an offence punishable under Sections 279, 357, 338 of Indian Penal Code and Section 185 of the Motor Vehicles Act.

3. Pending trial as well as pending this petition, parties have settled their dispute amicably and have filed consent terms. The copy of consent terms is annexed at Exhibit-B to the petition.

4. The petitioner and respondent Nos.2 to 6 got injured in the accident. According to the consent terms, the respondent Nos.2 to 6 want to settle the dispute with the petitioner. Under the consent terms, the petitioner agreed to pay to the respondent Nos.2 to 6 an amount of Rs.2,50,000/-. The learned counsel for the respondent Nos.2 to 6 submit that this amount is paid to them and therefore the parties have approached this Court for quashing the subject FIR by consent. The respondent Nos.2 to 6 have filed independent affidavits. They have admitted the settlement between themselves and the petitioner. They have stated that they have no objection to quash the subject FIR. The respondent Nos.2,4,5 and 6 are personally present in the Court. The respondent No.3 is suffering from cancer and admitted in the hospital and however his son Naushad is present in the Court. All these persons submit that they have gone through the petition and understood the contents thereof. They state that they have received an amount of Rs.2,50,000/- and therefore, they have no objection to quash the subject FIR.

5 The Hon'ble Apex Court in the case of **Narinder Singh vs. State of Punjab**¹ has observed thus :-

“14. As to under what circumstances the criminal proceedings in a non-compoundable case be quashed when there is a settlement between the parties, the Court provided the following guidelines :

“Where the High Court quashes a criminal proceedings having regard to the facts that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. No doubt, crimes are acts which have harmful effect on the public and consist in wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the Court.”

In the light of the aforesaid observations we have noted that the two rival parties have amicably settled dispute between buried the hatchet, and since the respondents Nos.2 to 6 have been

1 [2014 AIRSCW 2065]

adequately compensated by the petitioner and have also received the entire compensation, we are of the opinion that the FIR is liable to be quashed with costs of Rs.25,000/-. It shall be paid by the petitioner to Yashodhan Charitable Trust, Satara within a period of four weeks. The petitioner shall pay the said costs and produce the receipt thereof on the file of this Court within a period of six weeks from today, failing which, the aforesaid order allowing the Writ Petition would automatically stand recalled.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)