

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
WRIT PETITION NO.1534 of 2019**

Sameer Seksaria .....Petitioner  
versus  
The State of Maharashtra and anr. ....Respondents

Mr. Gaurav Sharma along with Ms. Chandni Sachade and Ms. Akansha Helaskar, advocate for the petitioner.

Mr. S. R. Shinde, APP for the State.  
Mr. Waqar Pathan I/b. Mr. Karl Rustom Khan, advocate for the respondent No.2.

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

**DATE : 29<sup>th</sup> MARCH, 2019.**

**P. C. :**

Heard learned counsel and learned APP appearing for the respective parties.

2. The petition is filed for quashing and setting-aside the criminal case No.549/PS/2013 pending on the file of Metropolitan Magistrate, 65<sup>th</sup> Court at Andheri, Mumbai. The said case arises out of registration of FIR bearing CR No.271 of 2012 with Vile Parle Police Station, Mumbai, at the instance of respondent No.2, for the offences punishable under Sections 279, 337, 338 of the Indian Penal Code, 1860 and Section 134(b) of the Motor Vehicles Act, 1988.

3. Pending trial, the respondent No.2 approached Motor Accident Claims Tribunal (for short "MACT") at Mumbai by filing an

application No.1896 of 2012 against the petitioner as well as insurer seeking compensation in respect of an injury sustained by him in an accident which lead to registration of the subject FIR. The respondent No.2's application was allowed by the Member, MACT, on 1<sup>st</sup> February, 2017, thereby directing the petitioner and insurer to pay compensation of Rs.1,00,355/- with interest @9% p.a. to the respondent No.2. The parties submitted that this order has been complied with as the respondent No.2 has received the amount of compensation awarded by MACT. Subsequently, the petitioner and respondent No.2 settled their claim amicably and in pursuance of an understanding arrived at between them, they have now approached this Court for quashing the proceedings of the subject criminal case by consent. The respondent No.2 has, accordingly, filed an affidavit dated 19<sup>th</sup> March, 2019. In paragraph 9, he has given his no objection for quashing the proceedings of the subject criminal case. The respondent No.2 is personally present before the Court. On being questioned, he specifically stated that he has gone through the petition and the affidavit as well and has fully understood the contents thereof. He has further confirmed that he has given no objection for quashing the proceedings of the subject criminal case out of his own free will and without there being any pressure or coercion.

4. It can, thus, be seen that the matter has been amicably settled between the parties. From the perusal of complaint, it transpires that the it is not an offence against the society. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]**, we find that no purpose would be served by keeping the proceedings of the subject criminal case pending except burdening the Criminal Courts which are already overburdened. However, at the same time, costs need to be saddled on the parties for using the police and judicial mechanism for settling their personal disputes.

5. Accordingly, the writ petition is allowed in terms of prayer clause (a) subject to payment of costs of 10,000/- to “**Shanti Avedna Sadan**” an institution that takes care of the advanced and terminally ill cancer patients and, thereafter, produce the receipt thereof on the file of this Court within a period of four weeks from today, failing which, the writ petition shall stand dismissed automatically without further reference to the Court and order quashing the criminal proceedings shall be treated as non-est.

6. Subject to above, the writ petition is disposed of.

**[SMT. BHARATI H. DANGRE, J.]**

**[RANJIT MORE, J.]**