

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1013 OF 2019

SIDDHANATH YADAV)...PETITIONER

V/s.

STATE OF MAHARASHTRA AND ANOTHER)...RESPONDENTS

Mr.Vikrant Parashurami, Advocate for the Petitioner.

Mrs.S.D.Shinde, APP for the Respondent – State.

Ms.Kanchan Pawar, Advocate for Respondent No.2.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 1st APRIL 2022

P.C. :

1 The learned counsel for the petitioner prays for amendment to the petition and submits that though the petition was filed for quashment of the FIR in C.R.No.437 of 2013, during the pendency of the petition, the investigation in the matter was complete and charge-sheet was filed and the proceedings arising

out of the registration of the Crime No.437 of 2013 are pending before the Additional Chief Metropolitan Magistrate, 9th Court, Bandra, Mumbai. As such, the petitioner prays for quashing of the proceedings also in view of an amicable settlement arrived at between the parties. The oral prayer for amendment is allowed. Amendment be carried out forthwith.

2 Heard the learned counsel for the petitioner and the learned APP for the State. By way of this petition, the parties are praying for quashing of proceedings arising out of Crime No.437 of 2013 registered with Mahim Police Station for commission of offences punishable under Section 334 of the Indian Penal Code (IPC) and the proceedings in Case No.2294/PW/2014 pending before the Additional Chief Metropolitan Magistrate, 9th Court, Bandra, Mumbai. Perusal of the report lodged at the instance of respondent no.2 shows that on 17th September 2013 he received a call. At that point of time, the petitioner approached the respondent no.2 and on asking by respondent no.2 as to what prompted the petitioner to attend him, the petitioner responded

to him in anger. Subsequently, the senior officer entered in the office. On enquiry, respondent no.2 informed the senior officer about the behaviour of the petitioner and when he was about to disclose the details, the petitioner, who entered in the cabin, assaulted the respondent no.2 with his helmet on his head and nose. The primary medical treatment was provided to respondent no.2. It seems that the investigating agency, by collecting the material in the course of investigation, filed the charge-sheet. The witnesses were subjected to examination in the course of trial.

3 The respondent no.2 has filed an Affidavit-in-Reply in this Court on 3rd June 2019. The petitioner as well as the respondent no.2 are present in this Court. It is stated in the Affidavit-in-Reply filed on behalf of respondent no.2 that only due to misunderstanding and differences with the petitioner, the respondent no.2 is not taking any initiative to sort out the issues or to settle the dispute. It is further stated that respondent no.2 does not wish to pursue the criminal proceedings against the

petitioner and the accident was result of misunderstanding and communication gap. It is also stated that the superior officers conducted a joint meeting and it was impressed upon the petitioner and the respondent no.2 that due to the proceedings, the image of the department would suffer and with the intervention of superior officers, the parties have decided to resolve their dispute amicably. It is stated in the Affidavit-in-Reply that both the parties i.e. petitioner and the respondent no.2 request to quash the FIR as prayed in the petition. The Affidavit-in-Reply is duly signed by the petitioner as well as the respondent no.2 and their respective counsel.

4 Considering the statements referred to above in the Affidavit-in-Reply and the desire of the parties as well as the attempts made by the senior officers so as to protect the image of the department, in our opinion, a case is made out for exercising the powers under Section 482 of the Cr.P.C.

5 Accordingly, the petition is allowed in terms of amended Prayer Clause and disposed of.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)