

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

WRIT PETITION NO. 128 OF 2021

Deep Hiralal Patel

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Narendra V. Sharma for the Petitioner.
Adv. Nutan Patel i/b M/s. Mahesh Menon & Co. for Respondent No.2.
Ms. A. S. Pai, PP for Respondent-State.

**CORAM : PRASANNA B. VARALE AND
SURENDRA P. TAVADE, JJ.**

DATE : 01st MARCH, 2022.

P.C. :

. Heard learned Counsel for Petitioner, Respondent No.2 and the learned APP for the Respondent-State.

2. Perused order of this Court dated 22nd January, 2021. This is an interesting petition before this Court, wherein Respondent No. 2, who is animal lover was maintaining seven dogs in the society by providing them food and shelters. On the appointment date with doctor i.e. 18th June, 2020 at around 11.45 p.m., the Petitioner, who driving a vehicle was unable to notice one of the such dogs of society and ran his vehicle over the said dog namely Puppy. The said Puppy suffered

severe injuries and ultimately died due to the accident. Respondent No. 2 lodged FIR about the incident at Talegaon Dabhade Police Station, Pune and accordingly C.R. No. 380 of 2020 was registered against the Petitioner for the offence punishable under Section 429 of Indian Penal Code.

3. The Petitioner has approached this Court for seeking quashment of the said FIR. When the matter was listed before this Court on 22nd January, 2021, Respondent no. 2 submitted before this Court that he is ready to give consent for quashing of the FIR bearing C.R. No. 380 of 2020 registered with Talegaon Dabhade Police Station, Pune, provided the Petitioner tender an apology and accepts his mistake and affidavit is filed in this Court on behalf of Respondent No. 2. It is stated in Paragraph No. 2 of the said affidavit as follows; “I say that I have no objection to quash the FIR bearing C.R.No. 380 of 2020, if the Petitioner tenders an unconditional apology letter for the unfortunate incident and accepts his mistake and also undertakes to take proper care of animals and not harm them in any manner, if future.”

4. A letter communication by way of email is placed on record in compilation submitted by the learned Counsel for the Petitioner at Page No. 3 and in Paragraph No. 3 of the said letter the Petitioner specifically states that for the future he assures Respondent No. 2 that he will always take a look below the car before the ride in order to

avoid any other like accident and Respondent No. 2 to accept his unconditional apology.

5. Considering the fact that the Petitioner submitted his unconditional apology to assure that he will take appropriate care of animals and would not harm them in any manner in future, by accepting this statement as undertaking to this Court, we deem it appropriate to exercise our power under Section 482 Code of Criminal Procedure and allow the petition accordingly.

6. The petition is allowed in terms of prayer clause 'B' and disposed of accordingly.

(SURENDRA P. TAVADE, J.)

(PRASANNA B. VARALE, J.)