

DINESH
SADANAND
SHERLA

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DINESH SADANAND
SHERLA

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2006 OF 2022

Sanjay P. Vasandani and anr.

... Petitioners

V/s.

State of Maharashtra and anr.

... Respondents

Mr. Anil G. Lalla a/w. Ms Riddhi Hakeem i/b Lall aand Lalla for the
Petitioners.

Mr. K.V. Saste, APP for the Respondent No.1 – State.

Mr. Mrityunjay Barai for Respondent No.2.

CORAM : NITIN JAMDAR &
N.R. BORKAR, JJ.
DATE : 29 JULY 2022.

P.C.

. The present petition under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure, 1973 is filed to quash the First Information Report No.103 of 2013 (hereinafter referred to as “FIR”, for short) dated 2 October 2013 registered at Colaba Police Station, Mumbai for the offences punishable under Sections 279, 337 read with 34 of Indian Penal Code and Section 134 (A) and (B) of the Motor Vehicles Act and the criminal case bearing No.C.C. No.241/PS/2014 pending on the file of learned Additional Chief Metropolitan Magistrate, 3rd Court, Esplanade, Mumbai arising out of the said FIR.

2. The aforesaid crime came to be registered at the instance of Respondent No.2. According to the prosecution, on 1 October 2013 at about 11:30 p.m., the Petitioner No.2 drove the car in rash and negligent manner and gave dash to the Respondent No.2.

3. The learned Counsel for the Petitioners and the learned Counsel for the Respondent No.2 jointly submit that the parties have amicably settled the dispute. It is submitted that no purpose would be served by keeping the prosecution alive, in view of the settlement arrived at between the parties. It is submitted that considering the facts and circumstances, the FIR and the criminal case in question may be quashed. The learned Counsel for the parties submit that the present case is squarely covered by the law laid down by the Hon'ble Supreme Court in the case of *Narinder Singh and ors vs. State of Punjab and anr*¹.

4. The Respondent No.2 has filed consent affidavit dated 10 June 2022. Respondent No.2 has stated that the Petitioners tendered unconditional apology to him. The Respondent No.2 has stated that he has no objection if the criminal case and FIR in question are quashed.

5. The Hon'ble Supreme Court in *Narinder Singh and ors vs. State of Punjab and another*² has held :

1 (2014) 6 SCC 466

2 (2014) 6 SCC 466

“29. In view of the aforesaid discussion, we sum up and lay down the following principles by which the High Court would be guided in giving adequate treatment to the settlement between the parties and exercising its power under Section 482 of the Code while accepting the settlement and quashing the proceedings or refusing to accept the settlement with direction to continue with the criminal proceedings:

29.1. Power conferred under Section 482 of the Code is to be distinguished from the power which lies in the Court to compound the offences under Section 320 of the Code. No doubt, under Section 482 of the Code, the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

29.2. When the parties have reached the settlement and on that basis petition for quashing the criminal proceedings is filed, the guiding factor in such cases would be to secure:

- (i) ends of justice, or*
- (ii) to prevent abuse of the process of any court.*

While exercising the power the High Court is to form an opinion on either of the aforesaid two objectives.

29.3. Such a power is not be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. Such offences are not private in nature and have a serious impact on society. Similarly, for offences alleged to have been committed under special statute like the [Prevention of Corruption Act](#) or the offences committed by public servants while working in that capacity are not to be

quashed merely on the basis of compromise between the victim and the offender.

29.4. On the other, those criminal cases having overwhelmingly and predominantly civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes should be quashed when the parties have resolved their entire disputes among themselves.

29.5. While exercising its powers, the High Court is to examine as to whether the possibility of conviction is remote and bleak and continuation of criminal cases would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal cases.”

6. We have examined the facts of the present case in the light of principles laid down by the Hon'ble Supreme Court in the case of *Narinder Singh (surpa)*. It appears from the FIR that on the day of incident, the Respondent No.2 and his friends had gone to Hotel Bade Miya at Colaba for dinner. At the time of incident, they were standing in front of the hotel. Admittedly, the car by which, the Petitioner gave dash to the Respondent No.2, was parked there only near the hotel. It appears that the incident occurred as Petitioner No.2, in an attempt to move the car forward, inadvertently pressed the accelerator hard. Apart from it, since the parties have settled the dispute, Respondent No.2 is not going to support the prosecution case. Nothing fruitful will therefore, come out of the prosecution case. Considering these facts and circumstances, the petition

deserves to be allowed. Hence, the Petition is allowed in terms of prayer clause (A), which reads thus:

“A. That this Hon’ble Court be pleased call for records and proceedings in CC No.241/PS/2014 filed against the Petitioners for alleged commission of offences punishable u/s 279, 337, 34 of IPC r/w 134 A & B of the Motor Vehicles Act, 1988 pending before Ld. Addl. Chief Metropolitan Magistrate, 3rd Court, Esplanade, Mumbai and Quash these proceedings with the Consent of Respondent No.2.”

7. Writ Petition is disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)