

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

CRIMINAL WRIT PETITION NO. 1977 OF 2021

Pratapchandra Niranjana Pradhan	...Petitioner
Versus	
The State of Maharashtra and Anr	...Respondents

Mr. Paresh B. Thakkar for the Petitioner

Mr. J. P. Yagnik, A.P.P for the Respondent No.1-State

Respondent No.2 Mr. Ali Kaship Sadad Ali Khan, is present in-person

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
THURSDAY, 22nd SEPTEMBER 2022**

P.C :

1 Heard learned counsel for the parties.

2 Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives service on behalf of the respondent No.1-State. Respondent No.2, who is present in-person waives service.

3 By this petition, the petitioner seeks quashing of the FIR bearing C.R. No. 92/2018 registered with the Amboli Police Station, Andheri, Mumbai, for the alleged offence punishable under Sections 279, 337 of the Indian Penal Code and under Section 134(a)(b) of the Motor Vehicle Act and the proceedings in Criminal Complaint No. 2536/2018 pending before the learned Metropolitan Magistrate Court No. 66 at Andheri. Quashing is sought on the premise that the petitioner and the respondent No. 2 have amicably settled their dispute.

4 Perused the papers. According to the respondent No. 2, when he was driving his motorcycle and was near the New Link Road, one car came from behind and dashed him, as a result of which, he fell down and sustained an injury on his right hand and right leg. The said car belonged to the petitioner.

5 Admittedly, the respondent No. 2 has not sustained any grievous injury i.e. no fracture. The injuries are stated to be simple in

nature. After investigation, charge-sheet was filed in the said case and the case is pending before the learned Metropolitan Magistrate, 66th Court at Andheri being Criminal Complaint No. 2536/2018. It appears that in the interregnum, the parties amicably settled their dispute. The respondent No. 2 has filed his consent affidavit dated 22nd April 2022, duly affirmed before the Notary. In the said affidavit, the respondent No. 2 has stated that he has no objection to the quashing and setting aside of proceedings. The respondent No. 2/original complainant, is an advocate, who appears in-person. He reiterates what is stated in the said consent affidavit. The respondent No. 2 has tendered a self attested xerox copy of his Aadhar Card. The said is taken on record. Learned A.P.P has verified the same with the original Aadhar Card of the respondent No. 2.

6 Considering the nature of dispute, the nature of injury sustained by the respondent No.2, the amicable settlement between the parties and having regard to the judicial pronouncements of the

Apex Court in *Gian Singh vs. State of Punjab & Anr.*¹ and *Narinder Singh & Ors. vs. State of Punjab & Anr.*², there is no impediment in allowing the petition.

7 The petition is accordingly allowed and the FIR bearing No. 92/2018 registered with the Amboli Police Station, Andheri, Mumbai and the proceedings in Criminal Complaint No. 2536/2018 pending before the learned Metropolitan Magistrate Court No. 66 at Andheri, and all consequential proceedings arising therefrom, are quashed and set-aside.

8 Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

9 The petitioner to deposit a sum of Rs. 10,000/- with the Kirtikar Law Library, towards cost. The said cost to be deposited within two weeks from today.

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

10 Petition be listed for compliance of deposit of cost on **13th**
October 2022.

11 All concerned to act on the authenticated copy of this
order.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.