

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

CRIMINAL WRIT PETITION NO. 2666 OF 2022

Pooja Anil Kumar Sharma ...Petitioner
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. Gaurav Pandey a/w Mr. Ayush Pandey for the Petitioner

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

Ms. Hinal Sanghavi for the Respondent No. 2

**CORAM : REVATI MOHITE DERE &
S. M. MODAK, JJ.
TUESDAY, 11th OCTOBER 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 notice on behalf of the respondent No.1–State. Ms. Sanghavi waives notice on behalf of the respondent No.2.

3 By this petition, the petitioner seeks quashing of the FIR registered vide C.R. No. 531/2022 with the Juhu Police Station, Mumbai, as against the petitioner for the alleged offences punishable under Sections 279 and 338 of the Indian Penal Code. Quashing is sought essentially 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 (original complainant), aged 60 years, at the relevant time, he was working as a Security Guard, at the D.N. Nagar Metro Station. He has stated that the incident took place on 7th May 2022 at 3:00 p.m. whilst he was going for work, where the metro construction was going on; that when he was walking on the road, one car hit him, pursuant to which, he fell down and sustained injuries on his hand and chest; and that the car driver i.e. the petitioner took him to the Cooper Hospital for treatment.

5 A perusal of the papers clearly shows that the incident which took place, was an accident and that the petitioner had no intention to injure the respondent No.2. It also appears and which fact is not disputed by the learned counsel for the respondent No.2, is that the petitioner took the respondent No. 2 to the hospital and bore the entire medical expenses of the respondent No.2, on humanitarian grounds.

6 The respondent No. 2's consent affidavit dated 28th June 2022, giving his no objection to the quashing of the said CR and all consequential proceedings arising therefrom, is annexed at Exhibit 'E' to the petition. He has stated in the said affidavit that the petitioner took him to the hospital and bore his entire medical expenses.

7 The respondent No.2 is present in Court and reiterates what is stated by him in the affidavit. Learned counsel for the

respondent No. 2 has tendered a self attested xerox copy of the Aadhar Card of the respondent No.2. Respondent No. 2 is identified by his counsel. Learned A.P.P has verified the original Aadhar Card of the respondent No.2.

8 Considering what is stated aforesaid, the nature of dispute and the amicable settlement arrived at between the parties and having regard to the judicial pronouncements, there is no impediment in allowing the petition.

9 The petition is accordingly allowed. The FIR bearing C.R. No. 531/2022 registered with the Juhu Police Station, Mumbai, as against the petitioner and consequently the proceedings being Case No. 3763/PS/2022, pending before the learned Magistrate, 10th Court, Andheri, Mumbai, are quashed and set-aside.

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

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

S. M. MODAK, J.

REVATI MOHITE DERE, J.