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

CRIMINAL WRIT PETITION NO.5121 OF 2021

Ms. Simran Rishi Grover

....Petitioner

Versus

The State of Maharashtra & Anr.

....Respondents

Mr. Sujit B. Shelar for the Petitioner.

Ms. Sujata Rathod i/b. Amul Jawate for Respondent No.2.

Ms. S.D. Shinde, APP for Respondent-State.

Respondent No.2 and his wife are present in person.

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

DATE : 14th FEBRUARY, 2022.

P.C. :

1. Heard Mr. Shelar, learned counsel for the petitioner, Mr.Rathod, learned counsel for respondent No.2 and Ms.Shinde, learned APP for the State.

2. The petitioner has approached this Court for seeking quashment of the FIR in C.R.No.75/2018 registered on 21.03.2018 at R A K Marg Police Station, Mumbai for the offence under Sections 279, 337, 338 of the Indian Penal Code, 1860 and 185, 134(a)(b), 158, 192 of the Motor Vehicle Act, 1988 as well as the proceeding arising out of the FIR namely Criminal Case No.1361/PS/2018 pending in the file of learned Metropolitan Magistrate Bhoiwada, Mumbai against the petitioner.

3. Learned counsel for the petitioner submits that as the parties have resolved their disputes amicably, Respondent No.2 was also informed about the filing of the petition and accordingly Respondent No.2 has filed affidavit. The same is taken on record. A document under the caption 'Consent Terms' is also submitted to this Court. The same is taken on record and marked 'X' for identification.

4. Smt.Rathod, learned counsel submits that on instructions of Respondent No.2, she appears in this Court to represent Respondent No.2. Learned APP appears for Respondent No.1 State.

5. The perusal of document placed on record show that Respondent No.2 who is resident of Sewree area was working in the private employment and earning his livelihood by an employment. On 21.03.2018 at about 12.15 hours, he alongwith his wife and other relatives were taking a walk towards Sewree Naka. While he was proceeding to the Naka, he received a dash from the unknown vehicle. The driver of the vehicle was driving the vehicle in rash and negligent manner and excessive speed. Respondent No.2 and his wife suffered injuries. His brother alongwith other persons rushed to the spot and was shifted in nearby hospital i.e. KEM Hospital. The necessary medical assistance and primary treatment was provided to Respondent No.2 as well as his wife. It was also submitted in the report that petitioner was under influence of liquor.

6. It is submitted by learned counsel for the petitioner that the petitioner is a student and pursuing his academic carrier. The perusal of consent terms show that the petitioner has agreed to pay an amount of

Rs.3,00,000 (Rupees Three Lakhs Only) by cash to Respondent No.2. The mode of payment of amount is referred in clause (c) of the consent terms of the settlement and it reads thus:-

“The Party No.1 shall pay the balance amount of Rs.1,00,000/- (Rupees One Lakh Only) on quashing of the F.I.R. bearing No.75 of 2018 registered by the R A K Marg Police Station, Mumbai for commission of alleged offences u/s.279, 337, 338 of I.P.C. and 185, 134(a)(b), 158, 192 of the M V Act was registered against Ms. Simran Rishi Grover daughter of Party No.1 by Party No.2.”

7. It is then stated in the consent terms that the parties have no grievance against each other whatsoever and shall not, either personally or through any legal heirs or otherwise, raise any grievance in regards to the present consent terms/settlement deed in the future. The said consent terms is duly signed by Respondent No.2, the wife of Respondent No.2 and the petitioner before this Court. Then a copy of receipt showing that Respondent No.2 received Rs.3,00,000/- (Rupees Three Lacs Only) from the petitioner is annexed to the consent terms. The consent terms are supported by an affidavit filed at the instance of Respondent No.2. On a query to Respondent No.2 who is personally present before this Court alongwith his wife submitted that on his free will and wish he is giving his no objection for quashing of FIR and the proceeding pending against the petitioner before the learned Metropolitan Magistrate Bhoiwada, Mumbai.

8. Learned counsel for the parties submitted before this Court that as the petitioner is pursuing her academic carrier and Respondent No.2 is

working in the private employment, the parties have decided to resolve their disputes amicably and by giving the full stop to the proceeding and live their life happily and peacefully.

9. In these circumstances, and especially, in view of the law laid down by the Apex Court in the case of **Madan Mohan Abbot vs. State of Punjab, [(2008) 4 SCC 582]**, we find that no purpose would be served by keeping the FIR alive, except burdening the Criminal Courts which are already overburdened. In the light of the principles laid down by the Apex Court in the aforesaid decision as well as in the case of **Narinder Singh vs. State of Punjab [2014 AIR SCW 2065]**, we are of the considered view that there is no impediment in quashing the FIR in question.

10. Considering the above facts, we are of the opinion that the learned counsel for the petitioner has made out a case for allowing the petition. Accordingly, the petition is allowed in terms of prayer clause (b) and disposed of accordingly.

(SURENDRA P. TAVADE, J.)

(PRASANNA B. VARALE, J.)