

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3656 OF 2022

Vineet Vinod Vermani

... Petitioner

Versus

1. The State of Maharashtra

2. Sarfaraj Bashir Shiakh

... Respondents

Mr. Kuldeep U. Nikam, for the Petitioner

Mrs. P. P. Shinde, APP for the Respondent No.1 – State.

Mr. Ranjit Patil, for the Respondent No.2.

CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.

DATE : 15th DECEMBER, 2022.

P. C. :

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 and learned Counsel Mr. Ranjit Patil waives notice on behalf of the respondent No.2.

3 By this Petition, preferred under Article 226 of the Constitution of India and under Section 482 of the Code of

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Criminal Procedure, 1973, the petitioner seeks quashing and setting aside of the FIR, bearing C.R.No. 145 of 2020, registered with the Kondhawa Police Station, Pune, for the alleged offences punishable under Sections 279, 337, 427 of the Indian Penal Code and Sections 184 and 132 of the Motor Vehicles Act, 1988. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4 Perused the papers. According to the respondent No.2 (original complainant), the incident took place on 08/02/2020 at about 11:30 p.m. when he was returning back from his company at Vimannagar on his Activa Scooter. It is alleged that on 09/02/2020 at around 00:15 a.m. when he reached Fakri Hills, Kamela, one Hyundai Creta Car, belonging to the petitioner, came in high speed and dashed on the right side of his scooter, as a result of which he fell down and sustained injuries to his face, hands and legs. Pursuant thereto, the respondent No.2 lodged the aforesaid FIR as against the petitioner alleging the aforesaid offences.

5 After investigation, charge-sheet was filed in the said case and the case is presently pending before the learned Judicial Magistrate,

First Class, Cantonment Court, Pune, being Summary Criminal Case No. 758 of 2020.

6 In the interregnum, during the pendency of the aforesaid C.R, the parties amicably settled their dispute and decided to put a quietus to the same. Learned Counsel for the respondent No.2 has tendered an affidavit of the respondent No.2 dated 15th December, 2022 duly affirmed before the Assistant Registrar, High Court, Bombay. To the said affidavit is annexed a photo copy of the Adhar Card of the respondent No.2 duly attested by him. In the said affidavit, the respondent No.2 has stated that he has amicably settled the dispute and has decided to put a quietus to the same. He has further stated that he has received compensation from the petitioner. He has further stated that in view of the compensation received, he would also be withdrawing the case filed by him before the MACT.

7 The respondent No.2 is present in person before the Court. On being questioned, he re-iterates what is stated by him in his affidavit. He states that, he on his own volition, would be withdrawing the case before the MACT, in view of the amicable

settlement between him and the petitioner. The respondent No.2 has been identified by his Counsel and the learned APP has verified the original Adhar Card of the respondent No.2.

8 We have perused the injury certificate of the respondent No.2. It appears that the respondent No.2 had sustained abrasions and superficial wounds on his face and hand and a deep wound on his right knee.

9 Considering the nature of dispute, the nature of the allegations, the injury sustained by the respondent No.2, the amicable settlement between the parties and the affidavit of the respondent No.2, there is no impediment in allowing the Petition.

10 Accordingly, the Petition is allowed and the FIR bearing C.R.No. 145 of 2020, registered with the Kondhawa Police Station, Pune, as against the petitioner and consequently, the proceeding pending before the learned Judicial Magistrate First Class, Cantonment Court, Pune, being Summary Criminal Case No. 758 of 2020 are quashed and set aside.

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

12 At this stage, learned Counsel for the petitioner, on instructions from the petitioner, states that the petitioner on humanitarian grounds, is ready to pay an additional sum Rs.20,000/- to the respondent No.2, in addition to what is already paid to the Respondent No.2. He states that the said amount will be paid by the petitioner to the respondent No.2, within three weeks from today.

13 List on **17th January, 2023**, under the caption ‘for compliance’.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.