

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

CRIMINAL WRIT PETITION NO.6614 OF 2021

Deepak Bhagwandas Bhavnani ...Petitioner
Versus
1. The State of Maharashtra
2. Satyam Puran Bharadwaj ...Respondents

Ms. Tahzeen Khan and Ms. Tejashree Navghan, for the Petitioner.

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

Mr. Avinash M. Reddy, for the Respondent No.2.

***CORAM : REVATI MOHITE DERE &
R. N. LADDHA, JJ.***

DATE : 25th NOVEMBER 2022

P.C. :

Mentioned out of turn.

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. Mr. Reddy waives notice on behalf of the respondent No.2.

3. By this petition, the petitioner seeks quashing of the FIR bearing C.R. No. 306 of 2020 registered with the Amboli Police Station, Mumbai, for the alleged offences punishable under Sections 279, 337 of the Indian Penal Code and under Section 134(a)(b) of the Motor Vehicles Act. 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 13th June 2020 when he left for his work at around 3:00 p.m. to deliver food packages all over Mumbai. He has stated that at around 10:00 p.m., when he was doing the delivery of a food package at Malad (West), a Hyundai Verna White Car belonging to the petitioner came from the opposite side and dashed against his bicycle, pursuant to which he fell down and sustained a simple injury on his forehead, above the eyebrow. Pursuant thereto, the respondent No.2 was taken to the hospital and given medical treatment. After investigation, charge-sheet was filed in the said case and the case is presently pending before the

learned Metropolitan Magistrate, 66th Court, Andheri, Mumbai, being C.C. No. 168/PS/2021.

5. During the pendency of the aforesaid proceeding, the parties amicably settled their dispute. Learned counsel for the respondent No. 2 has filed an affidavit of the respondent No.2 dated 6th October 2021, duly affirmed before the Notary. In the said affidavit, the respondent No.2 has stated that he had sustained a minor injury on his forehead and that the petitioner had made the payment and covered the costs incurred by him and his father i.e. including the costs for medical treatment including all ancillary expenses. He has further stated that he has no objection to the quashing of the case. Respondent No. 2 is present in Court. On being questioned, he reiterates what is stated by him in his affidavit. He states that he has no objection to the quashing of the proceeding initiated at his behest. Learned Counsel for the respondent No.2 has identified the respondent No.2 and the learned APP has also verified the original aadhar card of the respondent No.2. Having regard to the manner in

which the accident has taken place, *prima facie*, we are doubtful whether it could be said that the petitioner was driving rashly and negligently. Be that as it may, the parties have amicably settled their dispute.

6. Considering what is stated aforesaid, the nature of dispute, the amicable settlement between the parties, the nature of injury sustained by the respondent No.2, the affidavit of the respondent No.2, there is no impediment in allowing the petition.

7. The petition is accordingly allowed and the FIR bearing C.R. No. 306 of 2020 registered with the Amboli Police Station, Mumbai, is quashed and set aside and consequently the proceeding pending before the learned Metropolitan Magistrate, 66th Court, Andheri, Mumbai, being C.C. No. 168/PS/2021, is also quashed and set aside.

8. The petitioner to pay Rs.15,000/- to the respondent No.2 on humanitarian grounds, within three weeks from today. The said amount to be paid directly in the respondent No.2's Account bearing **Account No. 214100050304746 IFSC No. TMBL0000214.**

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

10. Stand over to **23rd December 2022**, for recording compliance of the said deposit of costs.

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

R. N. LADDHA, J.

REVATI MOHITE DERE, J.