

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.318 OF 2023**

Manali Ketan Gandhi	]	Petitioner
Vs.		
1. The State of Maharashtra	]	
2. Bala Krishna Arunasalam	]	Respondents

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Mr. Dinesh Kumar Jain, for Petitioner.

Ms. P.P. Shinde, A.P.P, for Respondent No.1-State.

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**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, J.J.**

DATE : 17th JANUARY, 2023.

ORDER: [Per Prithviraj K. Chavan, J.]:

1. Heard.

2. Rule.

3. Rule is made returnable forthwith, with the consent of the parties. Petition is taken up for final disposal.

4. Learned A.P.P waives notice on behalf of respondent-State. Respondent No.2 - Bala Krishna Arunasalam waives notice for himself.

5. By this petition under Article 226 of the Constitution of India and under section 482 of the Code of Criminal Procedure, 1973 (for short "Cr. P.C"), the petitioner seeks quashing of the F.I.R registered vide C.R. No.12 of 2019 with Charkop Police Station, Kandivali, Mumbai, for the alleged offences punishable under sections 279 and 338 of the Indian Penal Code (for short 'I.P.C') and Police Case No.1056 of 2019 pending before the Additional Chief Metropolitan Magistrate, 24th Court, Borivali, Mumbai. Quashing is sought on the premise that the parties have amicably settled their dispute. Quashing is sought on the premise that the parties have amicably settled their dispute.

6. Briefly stated, facts are as follows.

7. On 9th January, 2019, around 10.30 a.m, respondent No.2 while coming from opposite direction on his two wheeler - Motorcycle -Hero Passion bearing Registration No. MH-02-BV-

8046 was dashed by a motor car bearing Registration No.MH-02-BR-8568 which was being driven by the petitioner in a rash and negligent manner. Due to the said act of the petitioner, respondent No.2's left leg was fractured. He also sustained grievous hurt. The petitioner caused grievous hurt to respondent No.2 by her rash and negligent driving of car, ignoring personal safety of others.

8. After investigation a charge-sheet has been filed against the petitioner in the Court of Additional Chief Metropolitan Magistrate, 24th Court, Borivali, Mumbai, as above.

9. The parties have approached this Court as they have amicably settled their dispute. Respondent No.2 has filed an affidavit dated 17th January, 2023 duly sworn before the Assistant Registrar High Court, Appellate Side, Bombay. A photostat copy of the Aadhar Card of the respondent No.2 duly attested by him is annexed with the said affidavit. The said affidavit is taken on record. In the said affidavit, respondent No.2 has deposed that during pendency of the case, medical support was given to him by the father of the petitioner. As the petitioner is young and is about to get married in the month of February, 2023, at the request of her father,

respondent No.2 agreed to withdraw the complaint and co-operate for the purpose of quashing the aforesaid F.I.R and charge-sheet.

10. Respondent No.2 is present in the Court. Learned A.P.P has verified his original Aadhar Card. On being questioned, he reiterates what is stated by him in his affidavit that he has no objection for quashing of the proceedings as above, against the petitioner.

11. Considering the nature of the dispute, amicable settlement between the parties, affidavit of respondent No.2 and having regard to the judicial pronouncements of the Apex Court in the case of **Gian Singh Vs. State of Punjab and another¹** and **Narinder Singh and others Vs. State of Punjab and another²**, there is no impediment in allowing the petition.

12. The petition is accordingly allowed and the F.I.R registered vide C.R. No.12 of 2019 is quashed and set aside. Consequent to quashing of the C.R, proceeding arising from the said C.R. bearing P.S. No.1056 of 2019 is also quashed and set aside subject to

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

petitioner depositing costs of Rs.25,000/-. The petitioners to deposit a sum of Rs.25,000/- with **Shrimad Rajchandra Sarvamangal Trust**. Bank details are as under:

Name of Account	Shrimad Rajchandra Sarvamangal Trust
Name of Bank	Bank of Baroda
Account Number	12460200000490
IFSC CODE	BARBOTARDEO

13. The said costs to be deposited by the petitioner within three weeks from today.

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

15. Matter be listed on **14th February, 2023**, for recording compliance of the said deposit of costs.

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

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]