

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.435 OF 2023

Charul Yashvantsinh Toprani)
Age: 54 Years, Occ:- Service)
Resident of Mumbai having)
address at 23 Sputnik,)
85 Bhulabhai Desai Road,)
Opp. Tata Garden,)
Cumballa Hill,)
Mumbai – 400 026) ...Applicant

Versus

1. The State of Maharashtra)
At the instance of Bandra Police)
Station.)
2. Mrs. Gulnazbano Mehtab Qureshi)
(First Informant))
Age:50 Yrs, Occ:- Housewife,)
Resident of Mumbai having)
Present address at Rom No.227,)
Nargis Dutt Nagar, K.C. Marg,)
Lalmatti, Bandra West,)
Mumbai- 400 052)
3. Mohd. Akhtar Mehtab Qureshi)
(Victim))
Resident of Mumbai having)
Present address at Rom No.227,)
Nargis Dutt Nagar, K.C. Marg,)
Lalmatti, Bandra West,)
Mumbai- 400 052) ...Respondents

Mr. Rohan J. Sawant a/w. Gopal Dalvi, for Applicant.
Applicant in person present.
Ms. Yogita V. Gogar, for Respondent Nos.2 & 3.
Respondent Nos.2 & 3 are present in the Court.
Mr. K.V. Saste, APP for Respondent-State.

**CORAM : SUNIL B. SHUKRE &
M.M. SATHAYE, JJ.**

DATED : 3rd MAY, 2023

ORAL JUDGMENT (PER : SUNIL B. SHUKRE, J.)

1. Rule. Rule made returnable forthwith. Heard finally, by consent of the parties.
2. This case involves injuries sustained by Respondent No.3 on account of alleged rash and negligent driving of four wheeler by the Applicant. That is the reason for registering offences punishable under Sections 279, 338 and 338 of Indian Penal code against the Applicant.
3. Now, the Applicant/the sole accused has made a settlement with the Complainant i.e. Respondent No.2 and the victim i.e. Respondent No.3 for quashing of the present criminal proceedings. Respondent Nos.2 and 3 have also filed on record the consent affidavit separately. They are personally present before this court and are identified by their learned counsel. The Applicant is personally present before this court and identified by her learned counsel. Respondent Nos.2 and 3 and the Applicant both state that they have reached voluntarily settlement between them for putting an end to the dispute involved in the present criminal proceedings. According to Respondent No.2, as stated in her consent affidavit, the FIR was lodged against the Applicant at her behest

due to inadvertence and misunderstanding. Upon inquiry, Respondent No.2 states that she did not make any allegation of gross negligence in driving the car by the Applicant.

4. Considering the fact that even the FIR does not indicate that Respondent No.2 was an eye witness, the possibility of making these allegations by Respondent No.2 due to some inadvertence and misunderstanding is strong and therefore, there is reason for us to believe that the underlying dispute in the present crime is private in nature which does not enter into arena of public law and public policy. In fact, as stated earlier, Respondent Nos.2 and 3 and the Petitioner have reach amicably settlement between them in order to put at rest the entire dispute. In our view, this would provide reasons enough for us for accepting the settlement between the parties for the purpose of quashing of the criminal proceedings. Accordingly, the statement is accepted and we pass the following order:

i] Criminal Application is allowed in terms of prayer clause (a), which reads as under:

“a) That this Hon’ble Court may be pleased to quash and set aside the Criminal proceedings in C.C. No. 420/PS/2023 pending before the Ld. Addl. Chief Metropolitan Magistrate, 12th Court, Bandra, Mumbai arising out of FIR vide C.R. No. 1870 of 2022 registered with Bandra Police Station for offences punishable U/s. 279, 337 & 338 of Indian

Penal Code 1860, against the Applicant on such terms and conditions as this Hon'ble Court may deem fit to grant in the circumstances of the case.”

ii] This is subject to condition that the Applicant shall deposit an amount of Rs.15,000/- in the account of the Maharashtra State Legal Services Authority, Mumbai, within a period of four weeks from the date of passing of the order, failing which this order shall stand cancelled automatically and the matter would be listed before this Court for further direction.

iii] Learned Registrar (Judicial-II) to verify the compliance and closed the matter, if the compliance is made.

iv] Rule is made absolute in the above terms. No order as to costs.

v] Criminal application is disposed of.

[M.M. SATHAYE, J.]

[SUNIL B. SHUKRE, J.]