

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

CRIMINAL WRIT PETITION NO. 4098 OF 2021

Kapil Narsinha Moye	...	Petitioner
Versus		
The State of Maharashtra & Ors.	...	Respondents

Mr. Ashwin Thool i/by Pralhad Paranjape for the Petitioner.
Mr. Bhavesh Thakur for the Respondent No.3.
Mr. J. P. Yagnik, APP for the Respondent-State.

**CORAM: NITIN W. SAMBRE AND
R. N. LADDHA, JJ.**

DATE : 4th AUGUST, 2023

P.C. :-

. The petitioner's pet dog attacked respondent No.3-complainant resulting into the registration of offence being Crime No. 172 of 2020 punishable under Sections 289 and 337 of the Indian Penal Code.

2. The respondent No.3 thereafter took treatment with the Nair Hospital, managed by the Municipal Corporation of Greater Bombay.

3. The perusal of the FIR speaks of the dog was leashed by the petitioner and as such, the reasonable care and precaution appears to have been taken by the petitioner so as to avoid the untoward incident like the one in present case as that of dog bite.

4. Considering the eventuality in which the present incident has occurred and the fact that no *mens rea* as such could be inferred against

the petitioner, the dog having already expired yesterday night, the complainant who is present in the Court has consented for quashing of the offence.

5. The petitioner who is also present in the Court has expressed his regret for the incident in question and has assured that he shall be taking more precaution, in case, in future he intends to have similar pets.

6. Since both the petitioner and respondent No.3-complainant have ended up the aforesaid proceedings on a good note viz. consent extended by the respondent No.3 for quashing (who is physically present in the Court and is identified by his lawyer), we deem it appropriate to quash the proceedings initiated against the petitioner.

7. As such, the petition is allowed in terms of prayer clause (a).

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]

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