



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

CRIMINAL WRIT PETITION NO. 2586 OF 2023

Sameer Mohammad Yahiya
Age: 19 years, Occ.: Student,
R/at: Room No.201, 2nd floor,
A Wing, Kamaraj CHS,
Balaji Nagar, 90 Feet Road,
Dharavi, Mumbai-400017.

...Petitioner

Versus

1. The State of Maharashtra
Through Sion Police Station
Mumbai.

2. R. Rangswami L. Raman
Age 25 years, Occ: Service,
R/at: Room No.10, Row C,
Block No.7, 90 Feet Road,
Rajiv Gandhi Nagar, Dharavi,
Mumbai-17.

...Respondents

Ms Divya Gupta for the Petitioner.

Ms. M.H. Mhatre, APP for the State.
Ms. Neha Chhajalane for respondent No.2.

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

DATE : 10th August 2023

Order (Per R. N. Laddha, J.) :-

Heard learned counsel for the parties.

2. Rule. The Rule is made returnable forthwith, with the consent of and at the request of the learned counsel for the parties.

3. The Petitioner has filed this Criminal Writ Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, to quash FIR bearing C.R. No.12 of 2023 dated 16 January 2023 registered at Sion Police Station, Mumbai, for the offences punishable under Sections 279 and 304-A of the Indian Penal Code and Section 184 of the Motor Vehicles Act, 1988 and the proceedings arising therefrom. The Petitioner seeks quashing on the ground that they have amicably settled their dispute.

4. The facts of the case relate to accidental death of the brother of the Complainant/Respondent No.2 while returning home on scooter which was driven by the petitioner.

5. When this Criminal Writ Petition was placed before us, learned counsel for the Petitioner and Respondent No.2, submitted that the parties have settled their dispute amicably and Respondent No.2 does not want to proceed with the

matter. They submitted that the Petitioner and deceased Ramkumar were childhood and school friends. The Petitioner is a young boy and studying in the B. P. Marine Academy. The offence for which the Petitioner is charged is *prima facie* not made out. They submitted that this case falls under the purview of the law laid down by the Hon'ble Supreme Court in ***Gian Singh v/s. State of Punjab & Anr.***¹ and ***Narinder Singh & Ors. v/s. State of Punjab and Anr.***²

6. The record shows that Respondent No.2 has filed consent affidavit on record. He is present before the Court and states that he has no objection to quash the impugned FIR against the Petitioner given their settlement. Upon questioning, he reiterates the contents in his affidavit and was identified by his counsel.

7. We have examined present case in light of the law laid down by the Hon'ble Supreme Court in the case of ***Gian Singh and Narinder Singh (supra)***. Considering the fact that parties have settled their dispute, no purpose would be served by continuing the criminal prosecution. The consent affidavit filed on behalf of Respondent No.2 supports the prayer of quashing of the FIR. Moreover, *prima facie*, no offence under

1 (2012) 10 SCC 303.

2 (2014) 6 SCC 466.

Section 279 and 304-A of IPC is made out against the Petitioner. In the peculiar facts and circumstances, we see no difficulty to quash the impugned FIR. Accordingly, the FIR bearing C.R.No.12 of 2023, registered at Sion Police Station, Mumbai, and the proceedings arising therefrom are quashed and set aside.

8. Rule is made absolute in these terms and this Petition is disposed of.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

Lata.S.Panjwani, P.S.