

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.1038 OF 2022**

Prashant Umesh Kalbag	]	Applicant
Vs.		
1. The State of Maharashtra	]	
2. Ranjit Reddy Gundre	]	Respondents

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Mr. Jehangir Khajotia, for Applicant.

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

Mr. Abdul Kader, for Respondent No.2.

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

DATE : 31st JANUARY, 2023.

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

1. Heard.

2. Rule.

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

4. Learned A.P.P waives notice on behalf of respondent No.1-State. Mr. Kader waives notice on behalf of respondent No.2.

5. By this application under section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C'), the applicant seeks quashing of the First Information Report (for short "F.I.R") registered vide C.R. No.370 of 2020 with Worli Police Station, Mumbai, for the alleged offences punishable under sections 279, 336, 337 and 427 of the Indian Penal Code (for short "I.P.C") and consequently, proceeding pending before the learned Metropolitan Magistrate, 62nd Court, Bhoiwada, Dadar, Mumbai being Case No.1466/PS/2021. Quashing is sought on the premise that the parties have amicably settled their dispute.

6. Briefly stated, facts are as follows.

7. Respondent No.2-first informant is a Police Officer. On 7th November, 2020, around 4.30 p.m, he along with his friends was going in a car from Sea Link at about 6.25 p.m. When they reached Worli Sea Face, approximately 100 meters away from the traffic signal, they stopped the car due to red signal, the applicant came

from behind and gave dash to respondent No.2's car. Due to the said dash, son of respondent No.2 sitting on the lap of the wife of respondent No.2 banged on the dashboard, resulting into an injury on the left side cheek. Respondent No.2's car bearing Registration No. MH-02-EK-4850 was damaged, due to which, loss of Rs.1,00,000/- was caused to respondent No.2.

8. After investigation, charge-sheet came to be filed in the Court of learned Metropolitan Magistrate 62nd Court, Bhoiwada, Dadar, Mumbai, being Case No.1466/PS/2021.

9. The parties have now amicably settled their dispute. Consent Affidavit of respondent No.2 dated 16th November, 2022 duly affirmed before the Assistant Registrar High Court, Appellate Side, Bombay is annexed with the petition at pages No.40 to 43. In the said affidavit, respondent No.2 has stated that they have amicably settled their dispute. He has further stated that he has no objection for quashing of the FIR/proceeding initiated at his behest against the applicant, in view of the amicable settlement.

10. Respondent No.2 is present in the Court. On being questioned, respondent No.2 reiterates what is stated by him in his affidavit. Learned Counsel appearing for respondent No.2 has tendered a photostat copy of the the Aadhar Card of respondent No.2. The same is taken on record. Learned Counsel for respondent No.2 has identified him. Learned A.P.P has verified the original Aadhar Card of respondent No.2.

11. Considering the nature of the dispute, the 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 application.

12. The application is accordingly allowed. The F.I.R bearing C.R. No.370 of 2020 registered with Worli Police Station, Mumbai, as against the applicant and consequently, the proceeding pending before the learned Metropolitan Magistrate, 62nd Court, Bhoiwada, Dadar, Mumbai being Case No.1466/PS/2021, are

1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

quashed and set aside.

13. The applicant to deposit a sum of Rs.20,000/- with the **Mumbai Police Welfare Fund bearing Account No.465010100008693, IFSC No.UTIB0000465**, as costs. The said costs to be deposited within four weeks from today.

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

15. Application be listed on **8th March, 2023**, for recording compliance, regarding deposit of costs.

16. All parties to act upon an authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]