

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
WRIT PETITION NO. 3758 OF 2023**

Palak Hardik Joshi

... Petitioner

**VERSUS**

The State of Maharashtra & Ors.

... Respondents

...

**Mr. Mandar Soman** for Petitioner.

**Mr. H. J. Dedhia**, APP for State.

**Ms. Priyanka Surve** for Respondent No.2.

Mr. Pawar, MHB Police Station present.

...

**CORAM : SANDEEP V. MARNE, &  
DR. NEELA GOKHALE, JJ.  
(Vacation Court)**

**DATE : 22 NOVEMBER 2023.**

**PC**

1. By this petition, filed under the provisions of Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure 1973, petitioner challenges First Information Report bearing CR No. 304 of 2018 registered on September 16, 2018 at the instance of Respondent No. 2 in MHB Police Station, Mumbai for alleged offences punishable under Sections 279, 338 and 504 of the Indian Penal Code, 1860. Petitioner also seeks quashing of chargesheet dated November 2, 2018 in Police Case no. 2498 of 2018 before 68<sup>th</sup> Metropolitan Magistrate's Court, Borivali, Mumbai.

2. The FIR has been lodged by the second respondent

(Vijaybhan Algu Pal) in connection with an accident which occurred between the car driven by Petitioner and auto rikshaw driven by Respondent No. 2 on September 16, 2018.

3. The Learned counsel appearing for Petitioner would submit that the FIR has been lodged out of misunderstanding as some damage was caused to the auto rickshaw of second Respondent, though Petitioner was actually not responsible for cause of the accident. He would submit that the second Respondent suffered only minor injuries in the accident, for which Petitioner was actually not responsible.

4. The learned counsel for the second Respondent would submit that Respondent No. 2 has migrated to Uttar Pradesh and is no longer desirous of pressing the allegations against Respondent No. 2 as the FIR was lodged out of misunderstanding.

5. Learned counsel appearing for Petitioner and second Respondent would submit that both the parties have agreed to amicably settle the disputes and differences between them and have expressed a desire to apply to this Court for quashing of the FIR and Chargesheet against Respondent. The second Respondent has accordingly filed Consent Affidavit dated November 11, 2023.

6. We have perused the Affidavit of Respondent No. 2, (Vijaybhan

Algu Pal) who is personally present before us and has confirmed contents of his affidavit dated November 11, 2023. The respondent No. 2 confirms before us that all the disputes with petitioner have been amicably settled.

7. Perusal of the FIR would indicate that the same is lodged on account of an accident taking place between vehicles driven by Petitioner and second Respondent and FIR appears to have been lodged by the second Respondent essentially on account of reaction of Petitioner in not extending any help to the second Respondent, despite minor injuries suffered by him and some damage to his auto rickshaw.

8. Considering the nature of the dispute, amicable settlement between the parties, the affidavit of the respondent No. 2 and having regard to the judicial pronouncements of the Apex Court in **Gian Singh vs. State of Punjab & Anr.**<sup>1</sup> and **Narinder Singh & Ors. vs. State of Punjab & Anr.**<sup>2</sup>, there is no impediment in allowing the petition. However at the same time, since police machinery is utilized in lodging of FIR, carrying out investigations and filing of chargesheet, it would be appropriate to direct Petitioner to deposit some costs while quashing the FIR and the chargesheet.

9. We accordingly allow the petition. F. I. R. bearing CR No. 304 of 2018 registered on September 16, 2018 at the instance of Respondent

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1 (2012) 10 SCC 303

2 (2014) 6 SCC 466

No. 2 in MHB Police Station, Mumbai as well as chargesheet dated November 2, 2018 in Police Case no. 2498 of 2018 before 68<sup>th</sup> Metropolitan Magistrate's Court, Borivali, Mumbai are quashed and set aside. Petitioner to pay costs of Rs. 15,000 to the Mumbai Police Welfare Fund within 4 weeks from today and file receipt of payment in this Court.

10. Petition is disposed of accordingly.

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

**DR. NEELA GOKHALE, J.**

**SANDEEP V. MARNE, J.**

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