

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

WRIT PETITION NO.11 OF 2024

Daxay Sachin Sanghavi

...Petitioner

Versus

The State of Maharashtra and
Ors.

...Respondents

....

Mr. Yogesh Joshi i/b. M/s. Y.R.J. Legal for the Petitioner.

Mr. Ajay Patil, APP for Respondent No.1-State.

Mr. Pravin Desai, Respondent No.3, present.

Mr. Harshad Joshi for Respondent No.3.

CORAM: SMT. ANUJA PRABHUDESSAI &

N.R. BORKAR, JJ.

DATED: 16th JANUARY, 2024.

P.C.:-

1. This is a petition under Article 226 of the Constitution of India to quash Crime No.0531 of 2023 registered with M.H.B. Colony Police Station, Mumbai, for the offences punishable under Sections 279, 336 and 427 of the IPC and Section 11(1)(a) of the Prevention of Cruelty to Animals Act, 1960.

2. The aforesaid crime was registered pursuant to the FIR lodged by Respondent No.3. The facts narrated in the FIR indicate

MEGHA
SHREEDHAR
PARAB

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MEGHA SHREEDHAR
PARAB

Date: 2024.01.24
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that on 10/10/2023 the Petitioner herein drove the vehicle No.MH 47 AG 2448 in a rash and negligent manner and caused damage to some PoP idols in the temporary shed of Respondent No.3. It is further stated that a stray dog also died in the said incident.

3. Learned counsel for the Petitioner and Respondent No.3 state that the parties have settled the dispute amicably. Respondent No.3 has filed his affidavit giving his no objection to quash the FIR. He has received Demand Draft No.065659 of ICICI Bank dated 16/01/2024 for Rs.2,00,000/- towards damage caused for his shed and PoP idols. Respondent No.3 is present before the Court. He has been identified by his Advocate. He has confirmed the contents of the affidavit and has reiterated that he has no objection to quash the FIR.

4. In our considered view the settlement is genuine and voluntary. The Petitioner herein is a young boy of 20 years of age. He is a student of third year engineering and has a good academic record. Continuance of criminal proceedings can mar his career and future prospect. The Petitioner has also donated Rs.5,000/- towards

welfare of stray dogs.

5. Under the circumstances, in our considered view this is a fit case to exercise powers under Article 226 of the Constitution of India and to quash the FIR to secure the ends of justice.

6. Hence, the petition is allowed. Crime No.0531 of 2023 registered with M.H.B. Colony Police Station, Mumbai, for the offences punishable under Sections 279, 336 and 427 of the IPC and Section 11(1)(a) of the Prevention of Cruelty to Animals Act, 1960 stands quashed.

(N.R. BORKAR, J.)

(SMT. ANUJA PRABHUDESSAI, J.)