

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 691 OF 2024

Bhavesht Rajesh Rajbhar ... Petitioner

Versus

The State of Maharashtra and another ... Respondents

.....

Mr. Anjaykumar R. Kori for Petitioner.

Ms.K.T. Hivarale, APP for State.

Mr. Abhinandan M. Waghmare for Respondent No.2

PSI Gaikwad Kalachowky Police Station.

.....

**CORAM : PRAKASH D. NAIK &
N.R. BORKAR, JJ.**

DATED : 4th MARCH 2024

P.C. :-

1. This is a Petition for quashing the charge-sheet in C.C. No.1500933/PS/2020 pending in the Court of Metropolitan Magistrate, 15th Court, Sewree, Mumbai. The case arises out of the First Information Report registered with Kalachowky Police Station vide C.R. No. 132 of 2018 for offences under Sections 279, 338 of IPC and 134 (a) (b) of Motor Vehicle Act dated 14th August, 2018.

2. The Case of the prosecution is that, the son of the Complainant suffered accidental injury i.e. fracture to the leg.

3. The parties have settled the dispute. Respondent No.2/Complainant is present in the Court. He has filed Affidavit stating

that there is amicable settlement between him and the Petitioner. Respondent No.2 had received medical expenses and compensation amount of Rs.2,25,000/- in two installments. The First installment amount of Rs.1,00,000/- was paid by cheque and the cheque has been honoured. The second installment has been received by him by way of demand draft. He has no objection for quashing the proceedings.

4. The son of Respondent No.2 was aged about 7 years at the time of incident and there was a fracture injury to the leg. Since the parties have resolved the dispute, the impugned proceedings can be quashed.

ORDER

- (i) Criminal Writ Petition No. 691 of 2024 is allowed.
- (ii) The Proceedings in C.C. No.1500933/PS/2020 pending in the Court of Metropolitan Magistrate, 15th Court, Sewree, Mumbai arising out of CR No. 132 of 2018 registered with Kalachowky Police Station dated 14th August, 2018 are quashed and set aside.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)