

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 794 OF 2024

Aditi Pawan Khetan ... Petitioner

Versus

The State of Maharashtra and anr. ... Respondents

Mr. Waqar Nasir Pathan for the Petitioner.

Ms. S. E. Phad, APP for the State.

Mr. Anthony Steven for Original Complainant.

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

DATED : 13.03.2024

P.C. :-

1. Learned Advocate for the petitioner seeks leave to amend the petition. Leave granted. Amendment to be carried out forthwith.

2. The petitioner challenges the proceedings in CC No. 6200108/PS/2017 pending before Learned Magistrate Court of Bhoiwada, Dadar arising out of First Information Report vide Crime No. 141 of 2016 registered with Worli Police Station on 19.04.2016 for offences under Sections 279, 337, 427 of the Indian Penal Code.

3. The FIR was lodged at the instance of respondent No. 2.
4. The case of the complainant is that on 18.04.2016 at about 10.50 p.m., the complainant was driving his vehicle and at that time the accused- drove the vehicle in full speed and bumped at complainant's vehicle from rear side. The accident resulted in injury to the wife and niece of the complainant.
5. Learned Advocate for the petitioner and respondent No. 2 submitted that the parties have resolved the dispute. The complainant has no objection for quashing the impugned proceedings.
6. The complainant is present in the Court. He has expressed his consent for quashing the proceedings. The consent terms signed by both the parties are produced, wherein it is stated that the dispute between the parties is settled and the complainant has consented to withdraw the proceedings. The affidavit is taken on record.
7. Learned APP submits that the trial has commenced and one witness has been examined.
8. Learned Advocate for the petitioner submitted that the witness/complainant has not supported the prosecution case. However, the offences are non-compoundable and the trial

Court is not empowered to compound the offence on the ground that the parties have settled the dispute.

9. We have perused the FIR and the injury certificates, which are part of the charge-sheet. It appears that the injured has suffered minor injuries such as trauma and mild tenderness at leg.

10. Considering the fact that the parties have settled the dispute, the impugned proceedings can be quashed.

ORDER

- (i) Writ Petition is allowed.
- (ii) The the proceedings in CC No. 6200108/PS/2017 pending before Learned Magistrate Court of Bhoiwada, Dadar arising out of First Information Report registered with Worli Police Station on 19.04.2016 vide Crime No. 141 of 2016 for offences under Sections 279, 337, 427 of the Indian Penal Code are quashed and set aside.
- (iii) The petitioner shall pay cost of Rs. 15,000/- to Advocates Association of Western India Generation Next.
- (iv) The details of the bank account for payment of costs are as under :

Bank Name : Bank of India.
Branch Name : Mumbai Main
Account No. : 000110110007807
IFSC Code : BKID0000001.

(v) Petitioner to deposit the said cost of Rs.15,000/- within a period of two weeks from today and submit the receipt of the same in the Registry of this Court.

(N.R. BORKAR, J.)

(PRAKASH D. NAIK, J.)