

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

CRIMINAL WRIT PETITION NO. 3566 OF 2023

Rijhnath Suresh Chaudhary Petitioner

V/s.

State Of Maharashtra And Anr. Respondents

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Mr. Hitesh Mutha i/b Mr. Akash Palsamkar, Advocate for the Petitioner.

Mr. Yazad Udwadia i/b Ms. Ridhima Mangaonkar, Advocate for the Respondent No.2.

Ms. Kranti T. Hiwrale, A.P.P. for the Respondent – State.

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**CORAM : PRAKASH D. NAIK, &
MANJUSHA DESHPANDE, JJ.**

DATE : 22nd MARCH, 2024.

P.C.:

1. This is a petition for quashing of First Information Report (F.I.R.) dated 16th April, 2023, registered with Gavdevi Police Station, Mumbai, vide C.R. No. 91 of 2023, for the offences punishable under Sections 279, 338 of the Indian Penal Code (I.P.C.) and under Sections 134(A)(B) of the Motor Vehicle Act.

2. The case of the prosecution is that, on 6th April, 2023, the complainant was riding a two wheeler. The accused was driving four wheeler who dashed at complainant's vehicle. The accident resulted in

injury to the complainant and her mother-in-law. The complainant suffered fracture to her leg and her mother-in-law sustained injury to the back of her head.

3. It is submitted that the parties have settled the dispute and settlement agreement has been executed between them. The injuries were not life threatening nor there was permanent disability.

4. We have perused the settlement agreement, wherein it is stated that the parties have entered into negotiation and mutually agreed to settle their dispute amicably and withdraw all criminal and civil claims against each other, arising out of the accident, described in the F.I.R. The complainant had agreed to withdraw the complaint. The agreement further stipulates that the accused has agreed to pay an amount of Rs.1,25,000/- by way of compensation and damages for medical expenses to the complainant and her mother-in-law. The amount of Rs.62,500/- was to be paid on the date of Settlement Agreement and the balance amount to be paid at the time of quashing the impugned proceedings.

5. It is submitted that the amount of Rs.62,500/- is already parted to the complainant and her mother-in-law and the balance amount of Rs.62,500/- will be paid today.

6. The complainant is personally present in the Court. She has no objection for quashing the proceedings. The settlement agreement and their affidavit have been signed by the complainant and her mother-in-law.

7. Considering the fact that the parties have resolved the dispute and executed documents of consent, the impugned FIR can be quashed.

ORDER

i) Criminal Writ Petition No. 3566 of 2023 is allowed and disposed off;

ii) FIR No. 91 of 2023 dated 16th April, 2023, registered with Gavdevi Police Station, Mumbai, is quashed and set aside.

iii) The Petitioner shall pay cost of Rs.25,000/- to Advocates Association of Western India Generation Next within a period of three weeks from today. The Account details are as under:

Account Name	: Advocates Association of Western India Generation Next
A/c No.	: 000110110007807
Bank Name	: Bank of India
Branch Name	: Mumbai Main
IFSC Code	: BKID0000001

iv) The receipt of payment of cost shall be produced in the

Registry of this Court within one week thereafter.

v) List the application for reporting the compliance of payment of cost on 26th March, 2024.

(MANJUSHA DESHPANDE, J.)

(PRAKASH D. NAIK, J.)