

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1827 OF 2024**

Anurag Ramesh Chaturvedi

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Kush M. Lahankar a/w. Ms. Saloni Ghule i/b. SMG And Co. for Petitioner.
Mr. V.N. Sagare, A.P.P. for Respondent Nos.1 & 2-State.
Mr. Sagar Patil for Respondent No.3.

**CORAM : A. S. GADKARI AND
DR. NEELA GOKHALE, JJ.**

DATE : 2nd July 2024.

P.C. :

1) Petitioner, accused in CC No. 744/PS/2022 pending on the file of learned Metropolitan Magistrate, 17th Court, Borivali, Mumbai, arising out of CR No. 652 of 2021 dated 12th July 2021 registered with Kandivali Police Station, Mumbai, under Sections 279, 338 of Indian Penal Code and Sections 138(A)(B) of Motor Vehicles Act, has filed present Petition under Article 226 of the Constitution of India, read with Section 482 of Criminal Procedure Code, for quashing of the said case, with the consent of Respondent No.3, the victim.

2) Learned Advocate for Petitioner submitted that, the alleged offence occurred inadvertently while driving a car by the Petitioner and it was not deliberate or intentional act. It is submitted that, now the Petitioner

and Respondent No.3 have amicably settled the issues involved in the said case and the Respondent No.3 has been compensated for the physical harm and damage to his vehicle caused in the said accident. He submitted that, the Respondent No.3 has now given his consent for quashing of the crime in question and therefore the said crime may be quashed.

3) Learned Advocate for Respondent No.3 tendered across the bar his Affidavit dated 26th April 2024 duly affirmed before a Notary Public. The Respondent No.3 has admitted the fact of amicable settlement and receipt of monetary compensation from the Petitioner. In para No.7 thereof, he has given his consent for allowing the present Petition.

3.1) Respondent No.3 is personally present in the Court and through his Advocate reiterates the contents of his Affidavit dated 26th April 2024 and his 'no objection' for quashing of the crime in question.

4) In view of the above, we are inclined to quash CC No. 744/PS/2022 pending on the file of learned Metropolitan Magistrate, 17th Court, Borivali, Mumbai, arising out of CR No. 652 of 2021 registered with Kandivali Police Station, Mumbai.

5) As we expressed our opinion for quashing of said CC No. 744/PS/2022 pending on the file of learned Metropolitan Magistrate, 17th Court, Borivali, Mumbai, learned Advocate for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.50,000/- to the Central Police Welfare Fund, within a period of two weeks from the date of

uploading of present Order on the official website of High Court of Bombay.

The said statement is accepted as an undertaking given to this Court.

5.1) We therefore direct the Petitioner to pay the cost of Rs.50,000/- to the Central Police Welfare Fund within a period of two weeks from the date of uploading of the present Order on the official website of High Court of Bombay.

Details of the bank Account for payment of cost are as under:-

Bank Name	:-	Axis Bank Limited.
Branch Name	:-	Worli, Mumbai, Mumbai-400 025
Account Name	:-	Central Police Welfare Fund
Account Number	:-	914010029005759
IFSC Code	:-	UTIB0000060

6) In view of above, subject to payment of cost, Petition is allowed in terms of prayer clauses (a) & (A1).

7) It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Petition shall stand revived automatically and in that event, the trial Court will proceed with the said case expeditiously.

8) List the Petition on board on 30th July 2024 under caption 'for reporting compliance' of present Order.

9) All the concerned to act on the basis of an authenticated copy of this Order.

(DR. NEELA GOKHALE, J.)

(A.S. GADKARI, J.)