

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4145 OF 2024**

Amrita Roy
Indian Inhabitant, Aged 37 years,
Occupation-Marketing,
Residing at Flat No. 103, Chrysalis,
Gulmohar Cross Road No.9,
Juhu, Mumbai-400 049

.....Petitioner

Vs.

1. The State of Maharashtra,
(Through the Senior Inspector of
Juhu Police Station, Mumbai)

2. Ragib Mohammad Yunus Shaikh
Indian Inhabitant, Aged 28 years,
Residing at 13/B, Al Hateem,
Andheri (West), Mumbai 400 047

.....Respondents

Ms. Anandini Fernandes, with Ms. Shanice Mansukhani, for the Petitioner.
Ms. Mahalakshmi Ganapathy, APP for Respondent No.1-State.
Mr. Prashant Pandharikar, for Respondent No.2.
Mr. Shekhar Pawar, PSI attached to Juhu Police Station present.

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

DATE : 4th October, 2024.

P.C.:-

1) Petitioner seeks to quash and set aside F.I.R. No.665 of 2024 dated 20th July 2024 registered with Juhu Police Station for offences punishable under Sections 279, 337 of the Indian Penal Code, 1860 ("IPC") alongwith Section 134 (a) (b) of the Motor Vehicles Act, 1988.

2) The FIR arises out of an accident involving the Petitioner and the Respondent No.2. It is alleged that, on 27th June 2024, at approximately 7.50 pm, the Respondent No.2 was riding his motorcycle while going to Reliance Digital, Juhu, Mumbai, when a red colour Baleno Car bearing registration no. MH-01-EJ 7881 driven by the Petitioner collided with him. He fell from the motorcycle and sustained injuries on his left leg and left knee. Hence, he filed the present FIR.

3) Ms. Anandini Fernandes, learned counsel appears for the Petitioner and Mr. Prashant Pandharikar appears for the Respondent No.2. Ms. Mahalakshmi Ganapathy, learned APP represents the State.

4) The counsels of the Petitioner and the Respondent No.2 state that the parties have resolved the dispute amicably. In pursuance of such amicable settlement, the Petitioner has decided to pay a sum of Rs.1 Lakh (One Lakh Only) to the Respondent No.2. From the aforesaid amount, an amount of Rs.25,000/- has already been paid and the balance amount of Rs.75,000/- will be paid to him by way of Demand Draft on the date of final disposal of the present Petition. Both the parties pray that the FIR be quashed in the interest of justice pursuant to the settlement between the parties.

5) The Respondent No. 2 has also given his consent to quash the FIR impugned herein vide Affidavit dated 13th September 2024. He is personally present in the Court and through his counsel reiterates the

contents in the Affidavit.

6) In view thereof, we are inclined to quash F.I.R. No. 665 of 2024 dated 20th July 2024 registered with Juhu Police Station.

7) As we expressed our opinion for quashing of the said F.I.R. No. 665 of 2024 dated 20th July 2024 registered with Juhu Police Station, learned counsel for the Petitioner, on instructions submitted that, the Petitioner will pay a cost of Rs.50,000/- to the Armed Forces Battle Casualties Welfare Fund within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court. The said statement is accepted as an undertaking given to this Court.

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

8.1) Details of the bank account for payment of cost are as under :-

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

Name of Fund :- Armed Forces Battle Casualties Welfare Fund.

Bank Name :- Canara Bank

Branch Name :- South Block, Defence Headquarters,
New Delhi-110011.

Account Number :- 90552010165915

IFSC Code :- CNRB0019055

Type of Acct :- Saving

- 8.2) Petitioner to deposit the said cost within stipulated period as noted above and submit receipt of the same in the Registry of this Court.
- 9) In view of above and subject to payment of cost, Petition is allowed in terms of prayer clause (a).
- 10) 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 Investigating Officer shall investigate the present crime expeditiously.
- 11) List the Petition on board 25th October 2024 under caption 'for reporting compliance' of present Order.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

Digitally
signed by
SHAMBHAVI
NILESH
SHIVGAN
Date:
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