

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.500 OF 2024**

Ekta Rawat

Age: 29 years, Occ: Private Service,
Residing at Keerthi Surya Shakti Towers,
Near Hoodi, Whitefield, Bengaluru – 560 048.Applicant

Vs.

1. State of Maharashtra,
Through Senior Inspector of Police,
Park Site Police Station, Mumbai.
2. Tavleen Kaur Harminder Singh Maind,
Age: 23 years, Occ: Service,
Residing at A2, 202 New Keshar Srishti,
L.B.S. Marg, Bhandup (West), Mumbai.Respondents

Mr. Prasanna Bhangale with Mr. Pushkal Mishra, for the Applicant.
Mr. Anand S. Shalgaonkar APP, for Respondent No.1-State.
Mr. Rakesh Singh, for Respondent No.2.

**CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.**
DATE : 24th JULY, 2024.

JUDGMENT (Per Dr. Neela Gokhale, J) :-

1) The Applicant seeks to quash and set aside criminal proceedings bearing C.C. No.664/PS/2023 pending before the Additional Chief Metropolitan Magistrate, 31st Court, Vikhroli, Mumbai, arising out of C.R.No.623 of 2022 dated 17th August 2022 registered with Park Site Police Station, Mumbai for the offences punishable under Sections 279, 337, 338 of the Indian Penal Code, 1860 ("IPC") along with Sections 184, 134 (A) and 134(B) of the Motor Vehicles Act, 1988 filed by the Respondent No.2

(‘Complainant’).

2) The FIR arises out of an accident involving the Applicant and the Complainant. On 5th August 2022 at around 9:30 am, while the Complainant was riding her two wheeler being Honda Activa 5G bearing registration no. MH-03 DE 9478 on her way to office in Goderj Consumer Company, Vikroli, via Gandhinagar Junction, LBS road, Kanjurmarg, she was dashed by a red coloured four wheeler being a Santro, car bearing registration no. MH-03 DX 5119. She fell from her scooter and was injured.

Her right leg was swollen. Even her face was swollen and she suffered hurt on her left leg as well. It is her say that the driver of the Santro car drove away without stopping to help her. Her father came and took her to the hospital wherein she was given medical treatment. She learnt that, her right foot was fractured and needed plaster. Hence, she filed the present FIR.

3) Mr. Prasanna Bhangale, learned counsel appears for the Applicant and Mr. Rakesh Singh appears for the Respondent No.2/Complainant. Mr. A.S.Shalgaonkar, learned APP represents the State.

4) The counsels of the Applicant and the Respondent No.2 state that the parties have resolved the dispute and grievances amicably and have settled the matter amongst themselves. Both the parties pray that the FIR and the subsequent criminal proceedings arising out of the same be quashed in the interest of justice pursuant to the settlement between the parties.

5) Mr. Rakesh Singh has placed on record the Consent Affidavit dated 23rd July 2024 duly affirmed before a Notary Public herein the

Complainant specifically states that she has received adequate compensation for the accident that caused her injury and loss. That the entire issue giving rise to the registration of FIR and subsequent criminal case is amicably resolved and the dispute is settled. The Complainant is present in the Court today and through her counsel states that, she has 'no objection' to quash the criminal proceedings.

6) In view of the above, we are inclined to quash criminal proceedings bearing C.C. No.664/PS/2023 pending before the Additional Chief Metropolitan Magistrate, 31st Court, Vikhroli, Mumbai, arising out of the FIR bearing C.R.No.623 of 2022 registered with Park Site Police Station, Mumbai.

7) As we expressed our opinion for quashing of the said criminal proceedings bearing C.C. No.664/PS/2023 pending before the Additional Chief Metropolitan Magistrate, 31st Court, Vikhroli, Mumbai, arising out of the FIR bearing C.R.No.623 of 2022 registered with Park Site Police Station, Mumbai, learned Advocate for the Applicant, on instructions submitted that, the Applicant will pay a cost of Rs.50,000/- to the Central Police Welfare Fund, Maharashtra State, 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 the Applicant to pay a cost of Rs.50,000/- to the Central Police Welfare Fund, Maharashtra State, 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 :-

Bank Name :- Axis Bank Limited.

Branch Name :- Worli, Mumbai (M.H.), Mumbai-400 025

Account Name :- Central Police Welfare Fund

Account Number :- 914010029005759

IFSC Code :- UTIB0000060

8.2) Applicant 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, Application 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 Application shall stand revived automatically and in that event, the the trial Court will proceed with trial of present case expeditiously.

11) List the Application on board on 21st August 2024, under caption 'for reporting compliance' of present Order.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)