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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.333 OF 2024

Pallavi Laxminarayan Rathi

Age : 35 years, Occ. Housewife,  
Residing at Flat No.1104, 11<sup>th</sup> Floor,  
A-Wing, J.K. Building Gamdevi, Grant  
Road (West), Mumbai-400 007.

...Applicant

V/s.

1. State of Maharashtra  
Through V.P. Road Police Station,  
In CR No.40 of 2023.

2. Bharat Mukesh Shah

(The First Informant as well as Guardian  
of Injured Ru Rudra Bharat Shah)

Age : 42 years, occ. Business  
Residing at : Room No.04, Ground Floor,  
Kanchangauri Building, Dr. Bhajekar Galli,  
11<sup>th</sup> Khetwadi, Girgaon, Mumbai-400 004.

...Respondents

Mr.Shailesh S. Kharate with Mr.Onkar Chaudhari and  
Mr.Vishwajeet Nimbalkar for the Applicant.

Mr.V.B. Konde Deshmukh, Addl.PP for the Respondent – State.

Mr.Gaurav Pandey for the Respondent No.2.

Ms.Komal Ghagade, PSI, V.P. Road Police Station present.

CORAM : REVATI MOHITE DERE &  
SANDESH D. PATIL, JJ.  
DATE : 14TH OCTOBER, 2025.

Oral Judgment ( Per Revati Mohite Dere, J.)

1. Heard the learned counsel for the Applicant, learned Addl.PP for the State of Maharashtra and learned counsel appearing for the Respondent No.2.

2. **Rule.** Rule is made returnable forthwith with the consent of the parties and is taken up for final disposal.

3. Mr. V.B. Konde Deshmukh, learned Addl. P.P. waives notice for Respondent No.1-State and Mr. Gaurav Pandey waives notice for Respondent No.2.

4. By this Application, the Applicant seeks quashing of the FIR bearing C.R. No.40 of 2023, registered with the V.P. Marg Police Station, Mumbai for the alleged offences punishable under Sections 279 and 338 of IPC, Section 134 (A) (B) of the Motor Vehicle Act and consequently, the chargesheet as well as the proceeding pending before the learned Metropolitan Court, 4<sup>th</sup> Court, at Girgaon, Mumbai, i.e. C.C. No.956/PS/2023.

5. Quashing is sought on the premise that the parties i.e.

the Applicant and the Respondent No.2 have amicably settled their dispute.

6. In an accident that took place on 17<sup>th</sup> February, 2023 at 10:45 a.m, the Respondent No.2's son, aged 13, was injured when the Applicant's scooter hit the Respondent No.2's son. In the accident, the Respondent No.2's son sustained an injury to his ear, resulting in blood oozing from the ear. Pursuant to the said incident, the Respondent No.2 lodged the aforesaid C.R. No.40 of 2023 with the V.P.Marg Police Station, Mumbai. After investigation, chargesheet was filed in the said case and the proceeding is presently pending before the learned Metropolitan Magistrate, 4<sup>th</sup> Court, at Girgaon, Mumbai being C.C. No.956/PS/2023.

7. It appears that the Respondent No.2 had also filed a claim before the Motor Accident Claims Tribunal, Mumbai bearing Application No.788 of 2023. It is not in dispute that the said matter was amicably settled between the Respondent No.2 and the Insurance Company and that the dispute was referred

before the Lok Adalat. In the Lok Adalat, a compromise was arrived at between the parties and an amount of Rs.2,00,000/- was granted to the Respondent No.2 vide award dated 3<sup>rd</sup> March, 2024.

8. Learned counsel for the Applicant reiterates that the parties have amicably settled their dispute.

9. Learned counsel for the Respondent No.2 has filed an affidavit of the Respondent No.2, which is at page 258 of the Application. In the said affidavit, the Respondent No.2 has in paragraphs 10, 11, 13, 14 and 15 stated as under :-

*“10. I further submit that, upon introspection, I realised that the Applicant is innocent and did not intentionally cause any harm to my son. On the contrary, she was considerate and willing to provide necessary assistance. I also recognize that the Applicant's prompt and immediate actions indicate that she had no intention of causing harm. Instead, she made every effort to prevent any grievous injury by stopping her vehicle in time.*

*11. I submit that the Applicant tried to narrate the entire incident to me, describing every minute detail as to what had exactly happened on the day of accident, as I arrived at the accident site to see my child. However, due to distressing nature of the accident and my child's injury, I was incapable to think and process the accident rationally and could not focus*

*on what the Applicant was saying at the moment.*

13. *I humble submit before this Hon'ble Court that, The fact is my son suddenly ran from the building premises at a high speed without my knowledge nor did anyone accompany him, being innocent and unawares of the traffic rules, as a result of which he collided with the scooter. The Applicant had exercised due care and attention while she was riding. As a result of which, the Applicant could notice my child suddenly running. As the Applicant was in complete control of the vehicle that, she was riding and therefore could immediately apply brakes, when my child, being Master Rudra came running towards her vehicle expectedly, however, by that time, my child had already collided with the scooter.*

14. *I submit that, fortunately, my son did not suffer any major injuries and now he is almost recovered as he was immediately provided with medical treatment. I have taken utmost care to ensure his well-being and recovery. He is now out of danger and is fit to perform his daily routine activities.*

15. *I submit that, there shall be NO personal dispute between me and the Applicant and no prejudice shall be caused to the Society of whatsoever nature.”*

10. The Respondent No.2 is personally present in Court. On being questioned, he reiterated what is stated by him in his affidavit. He also informs that his child has completely recovered after the incident. The Respondent No.2 has been identified by his advocate. The Respondent No.2 has tendered his Aadhar Card duly attested by him. The same is also taken on record.

11. Considering the nature of dispute, the settlement between the parties, the affidavit of the Respondent No.2 and the judgments of the Apex Court, we have no hesitation in allowing the Application.

12. Accordingly, C.R. No.40 of 2023, registered with the V.P. Marg Police Station, Mumbai for the alleged offences punishable under Sections 279 and 338 of IPC, Section 134 (A) and (B) of the Motor Vehicles Act, the chargesheet filed in the said C.R., and consequently, the proceeding, bearing C.C. No.956/PS/2023 pending before the learned Metropolitan Magistrate, 4<sup>th</sup> Court, at Girgaon, Mumbai are quashed and set aside.

13. Rule is made absolute on the aforesaid terms and is disposed of.

14. All concerned to act on the authenticated copy of this  
Order.

*(SANDESH D. PATIL, J.)*

*(REVATI MOHITE DERE, J.)*