

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

CRIMINAL WRIT PETITION NO. 612 OF 2025

Nirali Premal Doshi

.....Petitioner

Versus

1. The State of Maharashtra

2. Manisha Rashmikant Shah

.....Respondents

Mr. Rahul Gaikwad a/w Mr. Aqueel Patel, Mr. Aman Jhawar, Ms. Nikita Abhyankar, Ms. Vaishnavi Mudras and Mr. Virendra Kadam i/by Gravitas Legal - Advocate for the Petitioner.

Adv. Rajesh Sahani – Advocate for Respondent No. 2.

Respondent No. 2 is present in Court.

Mr. J. P. Yagnik - APP for the Respondent-State.

PSI Chavan – Kandivali Police Station

**CORAM : SARANG V. KOTWAL &
S.M. MODAK, JJ.**

DATE : 21st APRIL 2025

P.C. :

1. This is a petition for quashing of the F.I.R. registered at Kandivali Police Station vide C.R. No. 999 of 2024 on 21.11.2024 under Sections 281 and 125(b) of the Bharatiya Nyaya Sanhita 2023 (BNS) and under Sections 184, 134 (A) and 134 (B) of Motor Vehicles Act, 1988.

2. Heard learned Advocate Shri Gaikwad for the Petitioner, learned Advocate Shri Sahani for the Respondent No. 2 and learned APP Mr. Yagnik for the Respondent No. 1-State.

3. The F.I.R. is lodged by the Respondent No. 2. She has stated that she had gone to vegetable market at around 10.00 a.m. on 21.11.2024. She was returning back at around 10.30 a.m., when she reached Mahavir nagar, she was struck by a car from behind. She fell on the road and suffered injuries to the right side of her head, right hand and leg. She was taken to hospital. She has mentioned the registration number of the car in the F.I.R.. She has further mentioned that she was taken to the hospital by one Shweta Virani. It is further mentioned in the F.I.R. that the car driver did not take any steps to give medical treatment to the informant or did not inform the Police. On these allegations the F.I.R. is lodged. The investigation is carried out but till today, the Charge-sheet is not filed. We have perused the investigation papers.

4. The Parties have now settled the matter. The Respondent No. 2 has given her affidavit of consent. She has stated that in December 2024, they have settled their dispute and differences, and they have executed the consent terms. She has also addressed a letter dated

26.12.2024 to the Kandivali Police Station requesting the Police not to investigate the present offence. She has specifically given her consent for quashing of the F.I.R.. The Respondent No. 2 is present in the Court. She is identified by her learned Counsel. She stated before the Court that she has no objection for quashing of the proceedings.

5. Learned Counsel for the Petitioner has produced latest certificate regarding the health condition of the first informant. He submitted that no life-threatening injuries were caused in the accident. He submitted that the Petitioner herself is suspected of suffering from cancer. She is undergoing tremendous stress, because of the present proceedings which are already settled between the Parties. He submitted that the Petitioner herself had taken the informant to the hospital, which is evidenced by the fact that the Petitioner's sister's name appears in the F.I.R., as the lady who had taken the informant to the hospital, her name was mentioned as Shweta Virani. He submitted that Shweta Virani is real sister of the Petitioner. Both of them were travelling in the same car, and the informant was taken to the hospital by both of them.

6. We have considered these submissions, and we have perused the report perused before us. The report is dated 26.03.2025 which

shows that there was mildly displaced liner fracture involving the parietal bone on the right side. The medical certificate further mentions that the injuries was not life-threatening. The informant was stable. She was fit to do all her routine activities. The Respondent No. 2-first informant herself stated before the Court that she has absolutely no health issues because of the said accident. We have also perused the investigation papers. There are no eye witnesses to the incident. Therefore, the investigation does not reveal that the Petitioner was driving the car in a rash and negligent manner. Absolutely no description is coming forth in the investigation. The Petitioner and the Respondent No. 2 know each other and they are neighbours.

7. In this view of the matter, there is substance in the submission of learned Counsel for the Petitioner that in view of the settlement between the parties and in view of the absence of material to show that the Petitioner has committed the offence alleged, the F.I.R. needs to be quashed.

8. In this view of the matter, we are inclined to allow this petition. The Petitioner is a lady. She is suffering from health issues.

The informant herself wants the matter to be settled. Therefore, we are inclined to allow the petition. Hence, the following order:-

ORDER

(i) The Writ Petition is allowed.

(ii) The F.I.R. registered against the Petitioner vide C.R. No. 999 of 2024 at Kandivali Police Station under Sections 281 and 125(b) of the Bharatiya Nyaya Sanhita 2023 (BNS) and under Sections 184, 134 (A) and 134 (B) of Motor Vehicles Act, 1988. and the consequent proceedings are quashed and set aside.

9. Accordingly, the Writ Petition is disposed of.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)