

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

CRIMINAL WRIT PETITION NO. 1959 OF 2025

Smt. Rajiv @ Rajvi Anuj ShahPetitioner

Versus

1. The State of Maharashtra

2. Shri Amey Sanjay DalviRespondents

Adv. Ritesh N. Jadhav - Advocate for the Petitioner.

Ms. M. M. Deshmukh – APP for the Respondent-State

Adv. Simran S. Raut i/by Aditya Vijay Sawant – Advocate for the Respondent No. 2.

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

DATE : 21st APRIL 2025

P.C. :

1. This is a petition for quashing of the case pending vide Case No. 146/PS/2021 before Judicial Magistrate First Class Court, Bandra, Mumbai, arising out of C.R. No. 26 of 2020 registered at Bandra Kurla Complex Police Station under Sections 279, 337 and 338 of the Indian Penal Code and under Section 177 of the Motor

Vehicles Act. The F.I.R. is lodged on 22.01.2020 by the Respondent No. 2.

2. The investigation is over and the charge-sheet is filed. The allegations are mentioned in the F.I.R.. It is mentioned that on 22.01.2020, the Respondent No. 2 was returning from his college at around 4.30 p.m.. While he was driving on the road, one white coloured car struck him. He fell on the road and lost consciousness. He was taken to Bhabha Hospital, Bandra. He suffered injuries to his leg and chin.

3. On these allegations, the F.I.R. is lodged. The F.I.R. mentions the registration number of the car. As per the prosecution's case, the Petitioner was driving that car. The charge-sheet is filed. The charge-sheet contains the medical certificate issued by Raheja Hospital, which shows that the first informant has suffered two CLWs on the chin measuring 2 X 1 X 0.5 cm. There was a CLW inside the mouth. There was a fracture of right leg. There was no life-threatening injury. There is statement of only one eyewitness, Mohammad Ajhar Ali Shaikh, who has supported the case of the first informant.

4. The Parties have now settled the matter. The affidavit filed by the Respondent No. 2 states that it was an unfortunate accident, and that it was nobody's fault. He has received compensation to his satisfaction and he has no grudge against the Petitioner. He has specifically given his no objection for quashing of the proceedings. The Petitioner is a lady, and is present before the Court. The Respondent No. 2 is present in the Court. He is identified by his learned Counsel. He has submitted before the Court that he has absolutely no objection for quashing of the proceedings, and that he has not suffered any permanent damage.

5. Considering stand taken by the Respondent No. 2 that it was an unfortunate accident and that he has settled the matter with the Petitioner, we are inclined to allow this 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. 26 of 2020 at Bandra Kurla Complex Police Station under Sections 279, 337 and 338 of the Indian Penal

Code and Section 177 of the Motor Vehicles Act and the consequent proceeding bearing Case No. 146/PS/2021 pending before Judicial Magistrate First Class Court, Bandra, Mumbai are quashed and set aside.

6. Accordingly, the Writ Petition is disposed of.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)