

KANCHAN
VINOD
MAYEKAR

Digitally signed
by KANCHAN
VINOD
MAYEKAR
Date: 2025.07.10
20:06:30 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3256 OF 2025

Gautam Mehra]
An Adult, Aged : 54 Years, Occ:Business,]
Indian Inhabitant, Residing at 134-A,]
Sea Lord, Cuffe Parade,]
Near Taj President Hotel, Colaba,]
Mumbai, Maharashtra – 400 005] ... Petitioner

V/s.

1. State of Maharashtra]
Through the Office of the]
Government Public Prosecutors, High Court,]
PWD Building, Mumbai-400032]
(Navghar Police Station, Mumbai)]

2. Anand Sahu]
of Mumbai, an Adult, Age: 24 Years,]
Occ: Driver, Indian Inhabitant,]
Residing at 208, Nikash Shruti Society,]
Tukaram Chowk, Dombivali East, Thane]
And Permanently Residing at Sarai Atan urf]
Naugira Mauaima Soraon, Allahabad,]
Uttar Pradesh – 212 507] ... Respondents

Mr. Vivek Kantawala a/w. Mr.Vivek M. Sharma, Mr.Amey Patil, Mr.Jash B.Vyas, Mr.Manav Kantawala, Mr.Shanay Bafna i/b. Mr. Jash B. Vyas for

Petitioner.

Smt. Savita M. Yadav, A.P.P for Respondent No. 1 – State.

Mr. Himanshu Mishra for Respondent No.2.

Mr. Yogesh Solunke, PSI, Navghar Police Station, Mumbai, present.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**
DATE : 26th JUNE, 2025

JUDGMENT (Per : A.S. Gadkari, J.) :-

1) By this Petition under Article 226 of the Constitution of India, Petitioner/Accused in C.R.No. 0086 of 2025, dated 9th March 2025, registered with Navghar Police Station, Mumbai, under Section 185 of The Motor Vehicles Act, 1988 and Sections 125, 125(a) & 281 of The Bharatiya Nyaya Sanhita, 2023, has prayed for quashing of the said crime, with the consent of Respondent No.2, the informant.

2) Heard Mr. Kantawala, learned Advocate for Petitioner, Smt. Yadav, learned A.P.P for Respondent No.1 and Mr. Mishra, learned counsel for Respondent No.2. Perused record produced before us.

3) Mr. Kantawala, learned Advocate appearing for Petitioner, on instructions, submitted that, Petitioner i.e. the driver of Tata vehicle bearing No. MH-01/EF-5442, the Respondent No.2 and the owner of Hyundai vehicle bearing No. MH-03/DG-0741 i.e. Mr. Santosh Upadhyay, have now amicably settled their disputes and differences, and Respondent No.2 has given his consent for quashing of the crime in question. He submitted that,

Respondent No.2, Mr. Anand Sahu, so also his employer Mr. Santosh Upadhyay have filed Affidavits dated 6th May 2025, duly affirmed before a Notary Public, which are on record as Exhibits - 'B' and 'C'. He submitted that, as the parties herein have settled the matter amicably, the crime in question may be quashed.

4) Mr. Mishra, learned Advocate appearing for Respondent No.2 conceded to the fact of filing of Affidavit(s) dated 6th May, 2025 by the Respondent No.2 and Mr. Santosh Upadhyay i.e. the employer of Respondent No.2.

4.1) In his Affidavit dated 6th May 2025, Mr. Santosh Upadhyay has stated that, the Petitioner's friends approached him and expressed their deep sorrow and remorse about the incident. That, the Petitioner has paid an amount of Rs.1,95,000/- towards the damage caused to the vehicle of Mr. Santosh Upadhyay, as and by way of full and final settlement. Mr. Upadhyay has stated that, he therefore does not wish to pursue the present crime further.

4.2) In his Affidavit dated 6th May 2025, in Paragraph No.5, the Respondent No.2 has admitted the fact of payment of the said amount to his employer towards full and final settlement towards the damage caused to the vehicle of Mr. Santosh Upadhyay. In Paragraph No. (4) thereof, Respondent No.2 has given his unconditional consent for quashing of the present crime.

5) In view thereof, we are inclined to quash C.R.No. 0086 of 2025, dated 9th March 2025, registered with Navghar Police Station, Mumbai, under Section 185 of The Motor Vehicles Act, 1988 and Sections 125, 125(a) & 281 of The Bharatiya Nyaya Sanhita, 2023.

6) As we expressed our opinion for quashing of C.R.No. 0086 of 2025, dated 9th March 2025, registered with Navghar Police Station, Mumbai, Mr. Kantawala, learned counsel for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.50,000/- to the Bar Council of Maharashtra and Goa's Advocate Academy and Research Center, within a period of two weeks from the date of uploading of the present Order on the official website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

6.1) We therefore direct the Petitioner to pay a cost of Rs.50,000/- to Bar Council of Maharashtra and Goa's Advocate Academy and Research Center within a period of two weeks from the date of uploading of the present Order on the official website of the High Court of Bombay.

6.2) Details of the bank Account for payment of cost are as under:-

Account Name	:	BCMG'S Advocate Academy & Research Center
Bank and Branch	:	Bank of India, Mumbai Main
Account Number	:	000120110001327
Type of Account	:	Current A/c

IFSC Code	:	BKID0000001
-----------	---	-------------

- 6.3) Petitioner to pay the said cost of Rs.50,000/- within stipulated period as noted above and submit its receipt in the Registry of this Court.
- 7) In view of above and subject to payment of cost, Petition is allowed in terms of prayer clause (a).
- 8) It is made clear that, if the cost is not paid within stipulated period as mentioned above, Petition shall stand revived automatically and in that event, the Investigating Officer will complete the investigation of the present crime expeditiously.
- 9) List the Petition on board on 28th July 2025, under the caption 'For Reporting Compliance' of present Order.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)