

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1992 OF 2024

Lalit Gul Shahani

... Petitioner

Versus

The State Of Maharashtra And Ors.

... Respondents

WITH

CRIMINAL APPLICATION NO. 274 OF 2024

Dr Anirudh Chandrashekhar

... Applicant

Versus

The State Of Maharashtra And Ors.

... Respondents

Ms. Anandini Fernandes, for the Petitioner in Writ Petition No. 1992 of 2024.

Mr. Karan Gajra a/w Sanchita Sontakke, Digvijay Kachare, Daksha Punghera, Vijay Singh, Aishwarya Shinde, Krishna Agarwal and Deepesh Ramrakhyani, for the Applicant in Criminal Application No. 274 of 2024.

Ms. Akshada Pasi, learned Advocate for the Respondent No. 2 to 5 in Writ Petition No. 1992 of 2024 and Criminal Application No. 274 of 2024.

Mr. Sukanta Karmakar, APP for the Respondent – State in Writ Petition No. 1992 of 2024 and Criminal Application No. 274 of 2024.

CORAM : ASHWIN D. BHOBE, J.

DATE : 1st April, 2026.

P.C. :

1. Heard Ms. Anandini Fernandes, learned Advocate for the

Petitioner in Writ Petition No. 1992 of 2024. Mr. Karan Gajra, learned Advocate for the Applicant in Criminal Application No. 274 of 2024. Mr. Sukanta Karmakar, learned APP for the Respondent – State in Writ Petition No. 1992 of 2024 and Criminal Application No. 274 of 2024. Ms. Akshada Pasi for Respondent No. 2 to 5 in Writ Petition No. 1992 of 2024 and Respondent No. 2 to 5 in Criminal Application No. 274 of 2024.

2. Learned Advocates appearing in the Petition and the Criminal Application state that the subject matter of both proceedings pertains to Criminal Case bearing No. 2627/PS/2023 pending before the Additional Chief Metropolitan Magistrate at Bandra, Mumbai (hereafter “the Magistrate”). As such, they request that both proceedings be taken up together and disposed of by a common order. At the request of the learned Advocates for the parties, both proceedings are taken up together.

3. This Petition and the Criminal Application are filed by the Petitioner / Applicant seeking to quash the FIR bearing No. 517 of 2023 dated 01.04.2023, registered by the Bandra Police Station, Bandra (hereafter “impugned FIR”), and the chargesheet registered

as Criminal Case No. 2627/PS/2023, pending before the Magistrate. The Petitioner (in Writ Petition No. 1992 of 2024) is Accused No. 1, whereas the Applicant (in Criminal Application No. 274 of 2024) is Accused No. 2 in the said Criminal Case No. 2627/PS/2023.

4. On 23.03.2026, the following order was made:-

1. Heard Ms. Anandini Fernandes, learned Advocate for the Petitioner in Writ Petition No. 1992 of 2024. Mr. Karan Gajra, learned Advocate for the Applicant in Criminal Application No. 274 of 2024. Mr. Tanveer Khan, learned APP for the Respondent – State in Writ Petition No. 1992 of 2024 and Criminal Application No. 274 of 2024. Ms. Akshada Pasi for Respondent No. 2 to 5 in Writ Petition No. 1992 of 2024 and Respondent No. 2 to 5 in Criminal Application No. 274 of 2024.

2. Ms. Anandini Fernandes and Mr. Karan Gajra have addressed this Court regarding the quashing of the impugned FIR and the Chargesheet arising from it, based on the settlement between the parties and the no objection from Respondent Nos. 2 to 5 for quashing the FIR and Chargesheet. They state that Respondent Nos. 2, 3, and 4 who are present in Court, and Respondent No. 5 present via VC, are submitting no objection affidavits. They also state that the Petitioner and the Applicant are submitting an affidavit revealing the settlement with Respondent Nos. 2 to 5. They therefore request for quashing of

the Criminal proceedings by consent of the parties.

3. Petitioner in Writ Petition No. 1992 of 2024, is present in Court and is identified by his Advocate Ms. Anandini Fernandes, who tenders the photostat copy of his identity proof, same is taken on record and marked with (X) for identification. Ms. Anandini Fernandes tenders Affidavit dated 18.03.2026, affirmed by the Petitioner before Bidhu Panicker, which is taken on record and marked with (P) for identification. Petitioner states that the affidavit (P) is filed by him out of his own free will and the statements made therein be accepted as statements to the Court.

4. Applicant in Criminal Application No. 274 of 2024 is present in Court and is identified by his Advocate Mr. Karan Gajra. He submits the photostat of the Applicant's identity proof, which is taken on record and marked with (X-1) for identification. Mr. Karan Gajra tenders affidavit dated 13.03.2026, affirmed before the notary S. N. Dhange, same is taken on record and marked with (A) for identification. Applicant states that the affidavit (A) is filed by him out of his own free will and the statements made therein be accepted as statements to the Court.

5. Respondent Nos. 2, 3 and 4 are present in Court. Respondent No. 5 appears through VC. Respondent Nos. 2 to 5 are identified by their Advocate Ms. Akshada Pasi, who tenders the photostat copies of their identity proof, same are taken on record and marked with (X-2 colly) for identification.

6. Ms. Akshada Pasi, learned Advocate for the Respondent No. 2 to 5 tenders affidavit

dated 07.10.2025 affirmed by the Respondent No. 2 before notary Bidhu Panicker, same is taken on record and marked with (X-3) for identification. Respondent No. 2 states that the affidavit (X-3) is filed out of her own free will and without any pressure or coercion from any person. She reiterates the contents of the Affidavit (X-3) and her no objection quashing of the criminal proceedings filed against the Petitioner and the Applicant.

7. Ms. Akshada Pasi, learned Advocate for the Respondent No. 2 to 5 tenders affidavit dated 07.10.2025 affirmed by the Respondent No. 3 before notary Bidhu Panicker, same is taken on record and marked as (X-4) for identification. Respondent No. 3 states that the affidavit(X-4) is filed out of his own free will and without any pressure or coercion from any person. He reiterates the contents of the Affidavit (X-4) and his no objection for quashing of the criminal proceedings filed against the Petitioner and the Applicant.

8. Ms. Akshada Pasi, learned Advocate for the Respondent No. 2 to 5 tenders affidavit dated 07.10.2025 affirmed by the Respondent No. 4 before notary Bidhu Panicker, same is taken on record and marked as (X-5) for identification. Respondent No. 4 states that the affidavit is filed out of her own free will and without any pressure or coercion from any person. She reiterates the contents of the Affidavit (X-5) and her no objection for quashing of the criminal proceedings filed against the Petitioner and the Applicant.

9. Ms. Akshada Pasi, learned Advocate for the Respondent No. 2 to 5 tenders affidavit dated 07.10.2025 affirmed by the Respondent No. 5 before notary Bidhu Panicker, same is

taken on record and marked as (X-6) for identification. Respondent No. 5 states that the affidavit is filed out of his own free will and without any pressure or coercion from any person. He reiterates the contents of the Affidavit (X-6) and his no objection quashing of the criminal proceedings filed against the Petitioner and the Applicant.

10. List these matters on 01.04.2026 for clarification.

5. Ms. Anandini Fernandes and Mr. Karan Gajra, learned Advocates for the Petitioner and the Applicant respectively, submit that the incident which is the subject matter of Criminal Case No. 2627/PS/2023 is an accident that occurred at a busy, overcrowded place where traffic congestion is routine. They submit that the vehicles driven by the Petitioner and Applicant suddenly collided with motorcycles in the traffic congestion. They state that the persons injured in the accident were Machindranath Shivram Adarkar (Machindranath), Respondent Nos. 2, 4, and 5. They submit that after the accident, the Petitioner and the Applicant attended to the injured persons and provided them with treatment at a hospital. They submit that the case initially registered against the Petitioner and the Applicant was under Sections 279, 336, 337, and 338 of the Indian Penal Code, 1860, read with Section 184 of

the Motor Vehicles Act, 1988. They submit that Machindranath, along with Respondent No. 2, who was a pillion rider, submitted a letter to the Police Inspector at Bandra Police Station on 06.04.2023, stating that the incident on 31.03.2023 was unfortunate, and that there was no criminal conduct or fault by the person named as accused in the impugned FIR. They submit that Machindranath and Respondent No. 2 acknowledged that the Petitioner and the Applicant provided treatment and assisted them with medical expenses. They submit that the injuries to Respondent Nos. 2, 4 and 5 were minor and did not require hospitalization. They submit that Machindranath had to undergo hip surgery on 09.04.2023, but during the procedure, he passed away, resulting in Section 304 A of the Indian Penal Code, 1860, being added to the chargesheet. They submit that the Petitioner, the Applicant, and Respondent Nos. 2 to 5 have amicably resolved the matter and therefore, Respondent Nos. 2 to 5 have no objection to the quashing of the criminal proceedings. They submit that, beyond the medical aid already given, the Petitioner and the Applicant have, as a goodwill gesture and on humanitarian grounds, agreed to provide financial assistance to the Respondent

No. 3 (father) and the mother of Machindranath, as more particularly stated in the Affidavit (“P” and “A”). They, on the instruction of the Petitioner and Applicant, state that this final assistance is in addition to and beyond the compensation the dependents of Machindranath are entitled to under the Motor Vehicles Act, 1988. They submit that the proceeding before the Motor Accident claim Tribunal will, in all probabilities, work out in terms of the decision of the Hon’ble Supreme Court in the case of *National Insurance Company Limited vs. Pranay Sethi & Ors*¹. Accordingly, they request the quashing of the criminal proceedings.

6. Mr. Sukanta Karmakar, learned APP for the Respondent – State, submits that the Petitioner, Applicant and the Respondent Nos. 2 to 5 having amicably settled the matter amongst themselves, the Petitioner and the Applicant having filed Affidavit (“P”) and (“A”) and the Respondent Nos. 2 to 5, having given no objection in their Affidavits (“X-3”) (“X-4”), (“X-5”) and (“X-6”), he has no objection for quashing of the criminal proceedings. He, however, insists on imposing costs on the Petitioner and

¹ 2017 (16) SCC 680

Applicants.

7. Ms. Akshada Pasi, learned Advocate for Respondent Nos. 2 to 5, states that Machindranath, Respondent Nos. 2, 4, and 5, received medical assistance from the Petitioner and the Applicant and they covered the medical expenses. She, on instructions from Respondent No. 2, states that the letter dated 06.04.2023 was addressed to the police by Respondent No. 2 and Machindranath, both acting of their own free will. She, on instructions from Respondent Nos. 2 to 5, submits that, as the matter has been settled between the Petitioner, the Applicant and Respondent Nos. 2 to 5, these Respondents do not wish to continue with the criminal proceedings and seek to end them. Ms. Akshada Pasi, on instructions, reiterates the no objection given by Respondent Nos. 2 to 5 in the affidavits filed by them at (X-3), (X-4), (X-5), and (X-6).

8. Heard arguments and Perused records

9. Statement made by Ms Anandini Fernandes and Mr Karan Gajra that the incident occurred in a crowded area, leading to

regular traffic congestion is not disputed by Mr. Sukanta Karmakar learned APP or by Ms. Akshada Pasi, learned Advocate for Respondent Nos. 2 to 5.

10. Fact that Respondents Nos. 2, 4 and 5 suffered minor injuries, and Machindranath, who was admitted to the hospital by the Petitioner after the vehicular accident, had to undergo a Left Acetabular Reconstruction with Right SI Joint fixation under GA on 09.04.2023 and that Machindranath passed away while undergoing the said surgery at Mangal Anand Hospital, Chembur, is not in dispute.

11. Dr. Mangal Parihar, from Mangal Anand Hospital, has issued a letter dated 09.04.2023, to the Senior Police Inspector at Bandra Police Station (pages 120 and 121 of the paper book in Writ Petition No. 1992 of 2024), stating that :- *“Patient (Machindranth) went into Hypovolemic shock with Multi-organ failure syndrome. Patient died on 09.04.2023 at 11:10 PM., inspite of all resuscitative measures.”*

12. Records indicate that although a Ghatanasthal Panchanama

was conducted on 01.04.2023, it does not include any sketch. Upon a query to Mr. Sukanta Karmakar, learned APP as to whether a sketch of the scene of offence was drawn, Mr. Sukanta Karmakar, learned APP, on instructions from the Investigation Officer, answered in the negative.

13. In the case of *Mohd. Aynuddin v. State of A.P.*,² the Hon'ble Supreme Court in paragraph No. 9 has observed as follows:

9. A rash act is primarily an overhasty act. It is opposed to a deliberate act. Still a rash act can be a deliberate act in the sense that it was done without due care and caution. Culpable rashness lies in running the risk of doing an act with recklessness and with indifference as to the consequences. Criminal negligence is the failure to exercise duty with reasonable and proper care and precaution guarding against injury to the public generally or to any individual in particular. It is the imperative duty of the driver of a vehicle to adopt such reasonable and proper care and precaution.

14. In the case at hand, the incident is of 31.03.2023. Machindranath died on 09.04.2023, while undergoing hip replacement surgery. The cause of death, as per the Certificate of Dr. Mangal Parihar, is "Hypovolemic shock with Multi-organ failure

² (2000) 7 SCC 72

syndrome”.

15. The charge sheet does not indicate culpable rashness on the part of the Petitioner and the Applicant. Material on record does not reveal the ingredients to attract the offence under Section 304A of the IPC, 1860. In this case, the Petitioner took Machindranath to the hospital after the incident and paid the medical expenses, as confirmed by Machindranath and Respondent No. 2 in their letter dated 06.04.2023. Before Machindranath's death, he stated in his letter dated 06.04.2023, addressed to the police, that no criminal conduct took place by anyone on 31.03.2023.

16. In the case of *Nikhil Deepak Bajaj v. Prakash Sahadeo Satam And Anr.*³ this Court had passed the following order:-

Rule. Rule is made returnable forthwith.

Heard finally be consent of parties.

2. By way of present petition, the petitioner is seeking to quash C.C.No.273/PS/2006 pending before the learned Additional Chief Metropolitan Magistrate arising out of C.R.No.499/2005.

³ Criminal Writ Petition No. 3162 of 2010 decided on 27.06.2011.

3. *The son of respondent No.1 i.e. Sameer Prakash Satam met with an accident which occurred when the petitioner was driving a vehicle and the said vehicle hit the said Sameer Satam. The incident had taken place around 6.30 a.m. It is the petitioner, who had taken the deceased to the hospital after the incident had taken place.*

4. *The respondent No.1 is personally present in the Court. He states that he has no grievance against the petitioner. The petitioner has handed over demand draft No.028986 dated 9th April 2011 drawn on Axis Bank Ltd for an amount of Rs.1,50,000/- to the father of the victim towards compensation.*

5. *From the F.I.R. it can clearly be seen that immediately after the accident, the petitioner had taken the victim to the hospital and admitted him to save his life. However, unfortunately, the victim could not survive. Even from the perusal of material on record it cannot be said that the petitioner was driving the vehicle in a rash and negligent manner. In that view of the matter, I am inclined to allow this petition.*

Rule is, thus, made absolute in terms of prayer clause (a).

17. Useful reference can be made to the case of *Anandraj Manikam & Anr. v. The State of Maharashtra & Anr.*⁴ wherein the Division Bench of this Court quashed criminal proceedings in

⁴ Criminal Writ Petition No. 3163 of 2023 decided on 18.10.2023.

respect of an offence under section 304A of the Indian Penal Code, 1860, by accepting the no objection affidavit of the father of the deceased in view of the amicable settlement arrived between the parties.

18. *Santosh v. The State Govt. of NCT of Delhi & Anr*⁵ was a case before the Delhi High Court, wherein the husband of Respondent No. 2 met with an accident, however, during the course of treatment, he lost his life. Though initially the Accused in the said crime were charged under section 279 and 337 of the Indian Penal Code, 1860 read with Section 146 and 197 of the Motor Vehicles Act, 1988, in view of the death of the victim therein, Section 304A of Indian Penal Code, 1860 was added. Parties arrived at a settlement and on the basis of no objection by the wife of the victim, the Delhi High Court accepted the settlement and quashed the FIR therein.

19. *Rampal v. The State of Rajasthan & Anr*⁶, was a case wherein the offence charged was 304A of the Indian Penal Code, 1860.

⁵ W.P.(CRL) 3138/2024 decided on 05.11.2024.

⁶ 2016 SCC OnLine Raj 8636

The Rajasthan High Court, accepted the compromise arrived between the parties and relying on the decision of the Hon'ble Supreme Court in the case of *Gian Singh v. The State of Punjab & Anr.*⁷ quashed the FIR by consent.

20. *Harwinder Singh v. The State of Punjab & Anr.*⁸ was a case where the Punjab and Haryana High Court accepted the parties' settlement and quashed an FIR under Sections 279 and 304A of the Indian Penal Code, 1860, by acknowledging the settlement.

21. In the case of *Taranjeet v. The State of Himachal Pradesh*⁹, FIR in respect of the offence 279, 337, 338 and 304A of Indian Penal Code, 1860 was quashed on the basis of a settlement arrived between the parties. Reliance was placed on decisions in the case of *Narinder Singh and Ors vs State of Punjab and Anr*¹⁰ and *Parbatbhai Aahir @ Parbatbhai vs The State of Gujarat*¹¹

22. Similarly, *Madhuri Saini v. The State of Himachal Pradesh*¹²

7 (2012) 10 SCC 303

8 (2015) SCC OnLine P&H 2647

9 2024 SCC OnLine HP 5286

10 2014 6 SCC 466

11 2017 9 SCC 641

12 2024 SCC OnLine HP 5837

and *Sanjeev Kumar v. The State of Himachal Pradesh*¹³, were cases wherein offences under Section 304A of IPC, amongst other offences, were quashed on the basis of a settlement arrived between the parties.

23. Considering the above pronouncements, the peculiar facts of this case, as well as the statements made by the Petitioner and Applicant in the Affidavits (“P” and “A”), along with the statements of Ms. Anandini Fernandes and Mr. Karan Gajra on instructions from their party that the financial assistance to the mother and Respondent No. 3 (Father of the Machindranath) is in addition to and above the amount Respondent No. 3 would be entitled to under the provisions of the Motor Vehicle Act, 1988, in the pending claim petition before the Motor Accidents Claim Tribunal, the matter stands settled between the parties. The statement that Respondent Nos. 2 to 5 are no longer interested in pursuing the criminal proceedings, combined with the no objection of Respondent Nos. 2 to 5 for quashing the impugned FIR and the criminal proceeding arising out of it, indicates that no fruitful purpose will be served by continuing the criminal

¹³ 2022 SCC Online HP 3887

proceedings. Having regard to the pronouncements of the Hon'ble Supreme Court in the case of *Gian Singh vs State of Punjab*¹⁴, *Narinder Singh and Ors vs State of Punjab and Anr*¹⁵ and *Parbatbhai Aahir @ Parbatbhai vs The State of Gujarat*¹⁶, there is no impediment in allowing this Application. This is a fit case for exercising powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to quash the impugned FIR and the criminal proceedings arising therefrom.

24. The statements made by the Petitioner and the Applicant in the affidavits ("P" and "A"), are accepted as statements to the Court, the Petitioner and the Applicant shall abide by the same.

25. This Petition and Criminal Application are therefore allowed in terms of prayer clause (a). Consequently, the impugned FIR and the criminal proceedings bearing No. 2627/PS/2023 on the file of the Magistrate are quashed against the Petitioner and the Applicant, subject to the Petitioner and the Applicant paying the cost of Rs. 50,000/- each in the below-mentioned account within 3

14 2012 10 SCC 303

15 2014 6 SCC 466

16 2017 9 SCC 641

weeks from today and filling compliance affidavit with proof of deposit, in the registry of this court on or before 27.04.2026.

Account Name :-	High Court Law Library
Account Number :-	10996686636
Bank Name :-	State Bank Of India
Branch Name :-	Mumbai Main Branch
IFSC Code :-	SBIN0000300

26. It is clarified that the observations in this order are limited to the quashing of criminal proceedings.

(ASHWIN D. BHOBE, J.)

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signed by
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