

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 627 OF 2018**

Shri Mahesh Gorakh Pote

..Applicant

Vs.

The State of Maharashtra & Abnr

..Respondent

Mr. R. K. Singh a/w Mr. Viral Rathod a/w Ms Dipti Sharma for the Applicant

Mrs. P. P. Shinde APP for the Respondent State

Mr. Parag Samant for the Respondent No.2

**CORAM :R. M. SAVANT, &
REVATI MOHITE DERE,JJ
DATE : 6th JUNE, 2018**

P.C.

1 The above Criminal Application has been filed by the first informant himself for quashing of the proceeding arising out of the FIR being CR No.109 of 2018 for offences punishable under Sections 279 and 337 of the IPC and Section 134(A) and (B) of Motor Vehicles Act. The said FIR has been registered on 29-4-2018 with the Tardeo Police Station. The first informant it seems has filed the above Application as the parties have arrived at an out of court settlement under which the first informant i.e. the Applicant has been paid compensation. The averments to the said effect are appearing in the above Application. It is not necessary to dilate further on facts in view of the settlement arrived at between the parties.

2 The Applicant Mr. Mahesh Pote is personally present in Court. He is identified by the Learned Counsel Mr. R. K. Singh. He is also identified by his Adhar Card bearing No.868129600126. When put in the box and queried he accepts the factum of the above Application being filed by him and he also identifies his signature thereon. He states that he does not desire to proceed with the case in question in view of the out of court settlement arrived at between the parties.

3 The Respondent No.2 i.e. the accused Mr. Nirmal Rathod is also personally present in Court. He is identified by the Learned Counsel Mr. Parag Samant. He is also identified by his Driving Licence bearing No.MH-02 20040048810 issued on 23-10-2004 valid up to 9-4-2032. When put in the box and queried the Respondent No.2 also accepts the factum of the settlement having taken place between the parties and the Applicant being paid compensation pursuant thereto.

4 In view of the averments made in the above Application which as indicated above has been filed by the first informant himself as also the statement made by the first informant when put in the box and queried as also the statement made by the Respondent No.2, the same unequivocally indicate that the parties have amicably resolved their dispute. Having regard to the judgments of the Apex Court in the matter of **Gian Singh V/s State of Punjab**

& Anr¹ and Narinder Singh & ors v/s. State of Punjab & Anr², no useful purpose would be served in keeping the proceedings in question pending. The above Criminal Application is required to be allowed and is accordingly allowed and made absolute in terms of prayer clause (a). The above Criminal Application is accordingly disposed of.

5 Since the machinery of this Court is utilised for settling the dispute between the parties, the Respondent No.2 to deposit costs of Rs.10,000/- with the State Legal Aid Fund within 6 weeks from date. Receipt to be obtained and filed in the registry.

6 The Learned Counsel appearing for the Respondent No.2 undertakes to file his vakalatnama during the course of the week. Statement accepted.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

1 (2012) 10 SCC 303

2 2014 AIR SCW 2065