

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1022 OF 2017

Satish Avdesh Dubey

....Applicant

V/s.

The State of Maharashtra
and Ors.

....Respondents

* * * * *

Mr. V.S. Jabra, Advocate for the applicant.

Mr. Raju Gupta a/w. Mr. Mukesh Gupta, Advocate for
respondent no.3.

CORAM :-

R.M.SAVANT, &

SANDEEP K. SHINDE, JJ.

DATE :-

15TH FEBRUARY, 2018.

P.C. :-

1. The Learned Counsel for the applicant, seeks leave to amend so as to join the victim, Rinku Ramlakan Gupta, as a party respondent to the above petition. Leave granted. Amendment to be carried out forthwith.

2. The above Criminal Application has been filed for quashing of the FIR being C.R. No. 449 of 2017 registered with the Santacruz Police Station for the offences punishable under Sections 279, 337 read with Section 134(A)(B) of the Motor Vehicles Act. The said FIR has arisen on account of the accident which took place between the Rickshaw which is owned by the respondent no.2 and the motorcar of the petitioner being, Volks Wagon. The newly added, respondent no.4 is the Victim who has suffered injuries in the accident. The respondent no.3 has filed an Affidavit dated 13th September, 2017. In the context of the relief sought in the above application, the unnumbered second last para of the Affidavit at page-38 is relevant and is reproduced hereinunder :-

“ I say that my this Affidavit be treated as my Consent Term for withdrawing the said F.I.R. as I have no any grudge with Mr. Satish Awadhesh Dubey, as there was my fault also hence the said accident occurred.”

3. The victim, Rinku Ramlakan Gupta has also

filed Affidavit wherein, he has given no-objection to the quashing of the FIR. The said Affidavit has been sworn before the Notary Public, Bidhu Panicker bearing the date, 15th September, 2018 and registered at serial no. 1328/18 in the Notary Register in Book no.2. The victim, Rinku Ramlakhan Gupta is personally present in the Court. He is identified by the Learned Counsel, Mr. Raju Gupta. He is identified by his Aadhar Card No. 6130 7466 7462. When put in the box and queried, he states that, Affidavit tendered by the Learned Counsel dated 15th February, 2018 is his and that, in view of the settlement between the parties, he does not desire to proceed with the FIR and that he has filed the Affidavit out of his own free will and volition. The First Informant, i.e. Chedilal Bikar Yadav is also present. He is identified by Learned Counsel, Mr. Raju Gupta. He is also identified by his Driving License bearing No. MH02 20042051544 issued on 3rd December, 2004 and valid till 29th May, 2020. When put in the box and queried, he reiterates what is

stated by the victim.

4. The applicant is also personally present in the Court. He is identified by Learned Counsel, Mr. Vijayendra Jabra. He is also identified by his Driving License No.MH02 20100055046 issued on 9th March, 2010 and valid till 31st May, 2019. When put in the box and queried, he states that, a settlement has been arrived at between the parties, as a consequence of which, respondents no.3 and 4 do not desire to proceed with the FIR.

5. A reading of the Affidavit filed by the respondent no.3 and the respondent no.4, as also, the statements made by respondent no.3 and the applicant, disclose that the parties have amicably settled their disputes, as a result of which, the respondents no.3 and 4 are not desirous of proceeding with the FIR in question. The application is accordingly allowed in terms of prayer clause (a). In the facts and circumstances of the case, the applicant to deposit costs of Rs.1,000/- with the Kirtikar

Rane

* 5/5 * APL-1022-2017 (SR. 32)
Thursday, 15.2.2018

Law Library, High Court, Bombay within 6 weeks from
date and receipt to be filed in the Registry.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)