

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION*****CRIMINAL APPLICATION NO.1050 OF 2017**

Shri Punit Mehrotra.] ... Applicant

Versus

1. The State of Maharashtra,]
2. Shri Chandrakant Jain.] ... Respondents

Mr. B. M. Thakur i/b Mr. Rahul Arote for Applicant.

Mr. K. V. Saste, Addl. P. P. for State.

Mr. Brijesh Shukla for Respondent Nos.2.

**CORAM :- R. M. SAVANT &
SARANG V. KOTWAL, JJ.**

DATE :- 26 FEBRUARY, 2018

P. C. :-

1. The above Application has been filed for quashing of the F.I.R. in C.R.No.162 of 2013 registered with the Oshiwara Police Station, for the offences punishable under Sections 279, 337 and 427 of the IPC. The said F.I.R. has arisen out of the accident which took place between two vehicles. It is not necessary to dilate further on facts. The Respondent No.2 herein i.e. the first informant, has filed Affidavit dated 22/02/2018 affirmed before the Notary Mr. Gopal R. Hegde having his office at 20-A, Nagindas Master Road, Fort, Mumbai

– 400 023, bearing Notarial Registration no.34 dated 22/02/2018. In the context of the relief sought in the Application, para 5 of the said Affidavit is material and is reproduced hereunder.

“5. *I state that in view of the compromise arrived at between the parties, I have no grievance if proceedings in C.C.No.1263/PS/2013, pending before the Court of learned Metropolitan Magistrate, 65th Court, Andheri, Mumbai arising out of the C.R.No.162 of 2013 registered with the Oshiwawra Police Station, against the Applicant, are quashed and set aside.*”

2. The Respondent No.2 is personally present in Court. He is identified by the learned Counsel Mr. Brijesh Shukla. He is also identified by his driving license bearing no.MH-02-20100144857 issued on 03/10/2015 and valid till 02/10/2020. He states that he has been explained the contents of the said Affidavit tendered by the learned Counsel today. He further states that the matter has been compromised as a result of which he does not want to proceed with the F.I.R. lodged by him.

3. The victim M. Ashok Parekh is identified by Mr. Brijesh Shukla, learned Counsel for Respondent No.2. He is also identified by his driving license bearing no.MH-02-20100127864 issued on

07/01/1992 and valid till 05/08/2020. He is also identified by Mr.Chandrakant Jain as the victim. When put in the box and queried, the victim Mr. Ashok Parekh states that the matter has been compromised as a result of which the Respondent No.2 does not desire to proceed with the F.I.R. in question. The Petitioner Mr. Punit Mehrotra is also personally present in Court. He is also identified by learned Counsel Mr. B. M. Thakur. He is also identified by his driving license bearing no.MH-02-20150022712 issued on 06/08/2016 and valid till 06/02/2019. He states that the issue has been settled between the parties and that he would be paying compensation to the Respondent No.2. The Affidavit of the Respondent No.2 and the statements made by the Respondent No.2, the victim Mr. Ashok Parekh and the Petitioner Punit Mehrotra indicate that the parties have settled the matter on terms under which the Petitioner is to be given compensation to the victim.

4. Having regard to the Judgments of the Apex Court in the cases of Gian Singh Vs. State of Punjab & Anr. reported in (2012) 10 SCC 303 and Narinder Singh & Ors. Vs. State of Punjab & Anr. reported in 2014 AIR SCW 2065, there is no impediment in allowing

the above Criminal Application. No useful purpose would be served in keeping the Criminal Application pending. The Application is allowed and made absolute in terms of prayer clause (b).

5. In the facts and circumstances of the case, where the machinery of this Court is utilized for settling the matter, the Applicant to deposit costs of Rs.10,000/- with the Maharashtra Legal Aid Fund within six weeks from date. Receipt to be obtained and filed in the Registry.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)