

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO. 1203 OF 2021

APPLICANTS :-

1. Rupesh Hemraj Hedau, Aged 42 years, Occ. Service, (M.R.), R/o Shivkrupa Nagar, Near Mangaldip Nagar-2, Besa Road, Nagpur.
2. Umesh Ajabrao Kokate, aged about 38 years, Occup. Agriculturist, R/o. Kutki, Post. Kharangana Gode, Kutki, Wardha, District Wardha.
3. Nilesh Diliprao Watkar, aged 34 years, occup.Agriculturist, R/o. Ambanagar, Po. Kharangana Gode, District Wardha.

...VERSUS...

RESPONDENT :-

State of Maharashtra, through its S.D.P.O./Police Station Officer, Police Station, Sewagram, District Wardha.

Mr.S.D.Chande, counsel for the applicants.
Mr.K.L.Dharmadhikari, APP for the respondent.

**CORAM : SUNIL B.SHUKRE &
ANIL L. PANSARE, JJ.**

DATE : 10.12.2021.

ORAL JUDGMENT (Per :Sunil B.Shukre, J.)

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

3. Applicant No.1 is the accused and applicant No.2 is the complainant in Crime No.372 of 2020, registered at Police Station Sevagram (respondent) against applicant No.1 for the offences punishable under Sections 279, 337 and 338 of the Indian Penal Code and also Section 184 read with section 134 of the Motor Vehicles Act. Applicant No.3 is the pillion rider of the motorcycle involved in the accident.

4. The allegation against the accused i.e. applicant No.1 is that on the date of incident at the relevant time, while driving car of Indica make bearing registration No.MH-31 CN-3765 (in fact car make is Santro), applicant No.1 gave dash of his car to the motorcycle rode by applicant No.2 of which applicant No.3 was

the pillion rider. The further allegation is that as a result of the dash, applicant Nos.2 and 3 fell down on the road and suffered serious injuries. On these allegations respondent-Sevagram Police Station registered aforesaid offences against applicant No.1 as they felt that the car was being driven at that time in a rash and negligent manner and also what they perceived to be mischievous way of driving.

5. Today, the accused i.e. applicant No.1, the complainant i.e. applicant No.2 and the pillion rider of the motorcycle i.e. applicant No.3 have jointly filed this application seeking quashing of the said crime and also the charge-sheet filed in it by invoking powers of this Court under section 482 of the Code of Criminal Procedure. The application has been filed by the applicants jointly and it is their submission that due to some misconception, and with a view to maintain cordiality of their *inter se* relations in future, they have compromised this matter and reached at unconditional settlement.

6. We have personally inquired with the applicants, who

are identified by Shri Chande, learned counsel. All of them submit that this application has been filed by them jointly, without being under pressure or influence of anybody or without being tempted by any other consideration and that they sincerely desire that the offences so registered against applicant No.1 be quashed and set aside.

7. We are satisfied with the voluntary nature of settlement between these persons. We also find that no public law element is involved in the matter and that the dispute as reflected in the First Information Report is of only private nature. Therefore, following the law laid down in catena of judgments including *B.S.Joshi v. State of Haryana*, reported in (2003) 4 SCC 675, *Gian Singh v. State of Punjab and another*, reported in (2012) 10 SCC 303 and *Narinder Singh and others v. State of Punjab and another*, reported in (2014) 6 SCC 466, we are inclined to allow this application by invoking powers under section 482 of the Code of Criminal Procedure.

8. The application is allowed. Crime No.372 of 2020, registered at Sevagram Police Station (respondent), District

Wardha for the offences punishable under section 279, 337 and 338 of the Indian Penal Code and section 184 read with section 134 of the Motor Vehicles Act and all other prosecution proceedings including Summary Criminal Case No.3141 of 2020 are hereby quashed and set aside, subject to the condition that the applicants shall jointly or any one of them deposit costs of Rs.10,000/- (Rs.Ten Thousand) in the account of High Court Bar Association for the purpose of library and allied purposes including development of e-library within a period of four weeks from the date of the order, failing which this order shall without any further reference to the Court be cancelled and this application shall stand restored for further consideration in the matter.

9. Rule is made absolute in the above terms.

(ANIL L. PANSARE, J)

(SUNIL B. SHUKRE, J)