

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 189 OF 2021

Aditya Anilkumar Thorat.

..Applicant.

Versus

The State of Maharashtra & Others.

..Respondents.

Mr. Uday Warunjikar i/b Siddesh A. Pilankar for the applicant.

Ms. M. H. Mhatre, APP for the respondent – State.

CORAM : PRASANNA B. VARALE &
S.M. MODAK, JJ.

Date : March 24, 2022.

P. C. :

1. Heard Mr. Warunjikar, learned counsel for the applicant. The applicant is before this court seeking quashment of First Information Report (FIR) bearing Crime No.461 of 2020, registered at Marine Drive Police Station, Mumbai on the allegation of commission of offences punishable under sections 353, 283, 188, 186 and 504 of the Indian Penal Code, 1860 and section 51B of the Disaster Management Act, 2005, as well as the proceedings arising out of the said FIR.

2. The incident referred to in the FIR took place in the evening hours, at about 7.30 p.m., on 24th November 2020. Learned counsel for the applicant submitted that true it is that the Applicant was driving vehicle in speed, but there were compelling reasons for the Applicant. Learned counsel Mr. Warunjikar appearing on behalf of the Applicant submitted that the Applicant is a law abiding citizen and has very high regards for the law; he neither intended nor he meant to breach the law but for the compelling reasons, prompting the applicant to drive his vehicle in little high speed. It is the ground raised in

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application that the Applicant is a diabetic patient and due to low sugar at the time of incident he was feeling uneasy and in an urgent need to have some food so as to maintain sugar level, the Applicant parked his vehicle without knowing that vehicle is parked in a double lane. It is also stated in the grounds that due to certain family arrangement, the Applicant has recently shifted from Nashik to Panvel and on the fateful day after finishing his regular work, he was to attend his home so as to provide necessary assistance and help to his wife, who was alone at home during the period of covid-19 pandemic. As his wife was alone at home, the Applicant was feeling worried about her and wanted to reach home as early as possible, after finishing his work and in that anxiety / apprehension and worry, the Applicant was unable to maintain his coolness and in a hit of anxiety and worry, the Applicant countered the parking staff as well as the informant. Thus, learned counsel Mr. Warunjikar submitted that considering all these facts, it can be said that there was no criminal element attached to the act of Applicant and it was only and only anxiety and worry.

3. It is also submitted by learned counsel Mr. Warunjikar that there are no criminal antecedents so as to discredit the version of Applicant. Learned counsel further submitted that the Applicant sincerely desirous to make a good career in the field of law, not only as an advocate, but also if the fortune favours him, he is also desirous to serve the State in justice delivery system. Learned counsel Mr. Warunjikar then submitted that the stray incident, which can be a result of misfortune of Applicant, may not come in the way of Applicant in his future prospects. It is also submitted by learned counsel that the Applicant has learnt a good lesson in life and he is nurturing a feeling of remorse for this unfortunate incident and assures this Court that

henceforth the Applicant will take every care and caution in his each act.

4. Considering the above referred submissions advanced on behalf of the Applicant, we are of the opinion that the Applicant has made out a case for exercising the powers of this Court under section 482 of the Code of Criminal Procedure, 1973, to secure the ends of justice. Mr. Warunjikar was justified in submitting before this Court that the stray incident would block the future prospects of a young professional who has learnt a lesson of life. On the backdrop of this fact-situation, we allow the application in terms of prayer clause (a).

[S. M. Modak, J.]

[Prasanna B. Varale, J.]