

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL WRIT PETITION NO.1455 OF 2020

Aniket Vijaykumar Menon

...Petitioner

Versus

1. The State of Maharashtra

2. Rajiv Keshav Mokal

...Respondents

Mr. Rounak Naik, for the Petitioner.

Ms. M. H. Mhatre, A.P.P for the Respondent No.1–State.

Mr. Ayush Pasbola, for the Respondent No. 2.

***CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.***

DATE : 14th SEPTEMBER 2022

P.C. :

Mentioned out of turn.

1. Heard learned counsel for the parties.

2. Rule. Rule is made returnable forthwith, with the consent of the parties and is taken up for final disposal. Learned A.P.P waives

service on behalf of the respondent No.1–State. Mr. Pasbola waives service on behalf of the respondent No.2.

3. By this petition, the petitioner seeks quashing of the FIR bearing C.R. No. 52 of 2017 registered with the Khalapur Police Station, Raigad, for the alleged offence punishable under Sections 279, 337, 338 of the Indian Penal Code and under Sections 184 and 134 Motor Vehicles Act.

4. Learned counsel for the petitioner submits that the parties have resolved their dispute amicably. He submits that the respondent No. 2 has no objection if the proceedings i.e. the aforesaid C.R and all consequential proceedings thereto, are quashed and set-aside.

5. Learned counsel for the respondent No. 2 does not dispute the fact that the parties have amicably resolved their dispute. Learned counsel for the respondent No. 2 has filed an affidavit of the respondent No.2 dated 5th March 2020, duly affirmed before the

Notary, which is at Exhibit – ‘C’ on page 67 of the petition, evidencing the aforesaid. The respondent No.2 in para 2 of the said affidavit has stated that after the crime was registered, he realized that the petitioner was not driving recklessly or in a negligent manner and as such he has no grievance as against the petitioner. He has further stated that he is not interested in prosecuting the petitioner. He has also stated that he has not been coerced or influenced to file the aforesaid affidavit and that the same has been filed out of his own free will. On being questioned, he re-iterates what is stated by him in his affidavit. He further states that he has not received any major or permanent disability and that he has received the compensation from the Insurance Company. Learned Counsel for the respondent No.2 has identified the respondent No.2.

6. It appears that the incident took place on 11th February 2017 when the respondent No.2 alongwith his family members had left for Jejuri in the Hyundai Eon Car, driven by the respondent No.2's daughter Mitali. It appears that when they reached Mumbai-

Pune-Expressway, a Maruti Wagon R Car hit the respondent No.2's car from the right side. As a result of which, the respondent No.2's car swerved to the left and turned turtle. In the said incident, the respondent No.2 sustained an injury, however, not a serious injury/injury leading to any disability.

7. Considering the nature of dispute, the amicable settlement between the parties and the fact that the respondent No.2 has not sustained any serious injury resulting in any disability, there is no impediment in allowing the petition.

8. The petition is accordingly allowed and the FIR bearing C.R. No. 52 of 2017 registered with the Khalapur Police Station, Raigad and all consequential proceeding arising from the said C.R, are quashed and set-aside.

9. Rule is made absolute in the aforesaid terms. Petition is disposed of accordingly.

10. All concerned to act on the authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.