

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 490 OF 2022**

Sumit Basavraj Patil ... Applicant

Versus

State of Maharashtra and another ... Respondents

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Mr. Gurav Parkar for the Applicant.

Mr. J.P. Yagnik, APP for the State.

Mr. Shantanu V. Kadam for Respondent No.2.

.....

**CORAM : NITIN JAMDAR AND
 N.R. BORKAR, JJ.**

DATED : 14 JULY 2022

P.C. :-

. By this Application, the Applicant is praying for the following reliefs :

“(i) That this Hon’ble Court be pleased to quash and set aside the chargesheet filed in FIR No.28 of 2020 registered with D.B. Marg Police Station;

(ii) That this Hon’ble Court be pleased to quash and set aside the proceedings being C.C. No.443 of 2020 registered with the Ld. 14th Metropolitan Magistrate at Girgaon, Mumbai.”

2. This prayer is sought pursuant to the consent given by Respondent No.2. The learned Counsel for Applicant and Respondent No.2 jointly submit that the FIR be quashed by consent of Respondent No.2. The learned Counsel submits that the fact situation is covered by law laid down by the Supreme Court in the cases of *Gian Singh vs. State of Punjab*¹ and *Narinder Singh and others vs. State of Punjab and another*².

3. Respondent No.2 filed an FIR stating that he is working as a driver with an individual owner. On 9 February 2020 he had parked the car on the side of a road. At that time, the car driven by the Applicant dashed the stationery vehicle from behind and because of which Respondent No.2 was injured and had to be taken to a hospital.

4. The Respondent No.2 through his Advocate has tendered an Affidavit stating that he has received an amount of Rs.25,000/- from the Petitioner as hardship compensation and he has realized that the incident was an accident due to traffic situation. The Respondent No.2 has given his no objection for quashing the FIR against the Petitioner.

5. The Applicant is 20 year old student. The incident took place on the main road. The Respondent No.2 has himself stated that

1 2012(10)SCC 303
2 (2014)6 SCC 466

after the incident he was taken to the hospital by the Applicant and his friend, where he was treated. The Respondent No.2 has received minor injuries on his leg. The narration in the FIR shows that the incident was also minor and that there was no serious damage to any of the cars.

6. Considering the above and the fact that the Respondent No.2 has given consent for quashing the FIR and that the hardship compensation has also been given, we find that the law laid down in the cases of *Gian Singh (supra)* and *Narinder Singh (supra)* deserves to be applied in the facts of the present case.

7. Considering the above facts, the Application is allowed in terms of prayer clauses (i) and (ii).

8. The Applicant is directed to pay Rs.5000/- to the Mumbai Police Welfare Fund, A/C : 465010100008693, IFSC Code No. : UTIB0000465, within a period of four weeks from today.

9. The above order is condition upon this payment.

10. The Application is disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
PRASHANT
DHURI
Date:
2022.07.16
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Kanchan P Dhuri