

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2751 OF 2022**

1. Vedant Anil Kolate]
2. Omkar Anil Kolate] Petitioners

Vs.

1. State of Maharashtra]
2. Suraj Devram Jadhav] Respondents

.....

Mr. Suresh M. Sabrad a/w Amey C. Sawant a/w Gracy Saldhana
a/w Arya Chauhan, for Petitioners

Mr. K.V. Saste, A.P.P, for Respondent No.1 -State.

Mr. Suraj D. Jadhav, Respondent No.2 in person.

.....

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

DATE : 15th DECEMBER, 2022.

P.C.

1. At the outset, learned Counsel appearing for the petitioners seeks leave to correct the name of the respondent No.2, since it is inadvertently mentioned as "Suresh" instead of "Suraj". Leave granted. Amendment to be carried out forthwith.

2. Heard learned Counsel for the petitioners, learned A.P.P appearing for the respondent No.1- State and the respondent No.2 - Mr. Suraj Jadhav, who appears in person.

3. Rule. Rule is made returnable forthwith, with the consent of the parties and the petition is taken up for final disposal. Learned A.P.P waives notice on behalf of the respondent No.1– State and the Respondent No.2 – Suraj Jadhav, who appears in person, waives notice on behalf of himself.

4. By this petition, preferred under Article 226 of the Constitution of India and under section 482 of the Code of Criminal Procedure, the petitioners seek quashing of the First Information Report (for short "F.I.R") registered vide C.R. No.114 of 2022 with the Nerul Police Station, Navi Mumbai, for the alleged offences punishable under sections 279, 504 and 506 of the Indian Penal Code (for short "I.P.C") and section 184 of the Motor Vehicles Act, 1988. Quashing is sought on the premise that the parties have amicably settled their dispute.

5. Learned Counsel appearing for the petitioners submits that the parties have amicably settled their dispute and as such the respondent No. 2 has no objection if the proceeding i.e. the aforesaid C.R is quashed and set aside, in view of the amicable settlement between the parties.

6. Perused the papers. Petitioner No.1 has completed his graduation in B.Sc. (Catering and Hotel Administration) and is currently working in a Resort. Petitioner No.1 is desirous of continuing his higher education in Canada and is attempting to appear for IELTS examination, which is a precondition for future studies in Canada. As far as petitioner No.2 is concerned, he has completed his graduation i.e B.Com and is presently working.

7. According to the respondent No.2 (original complainant), the incident took place on 29th March, 2022. He has alleged that he had attended his overnight shift from 28th March, 2022 at 11.00 a.m to 29th March, 2022 till 9.00 a.m, after which, he left the Police Station for attending a meeting at Belapur on his motorcycle. He has alleged that at about 4.30 p.m on 29th March,

2022, when he reached L.P. Bridge, Nerul, one blue coloured car, came from behind and scraped his motorcycle. He has alleged that the said vehicle did not honk, while overtaking from the right side, as a result of which, he lost control over the motorcycle. The respondent No.2 has further stated that, however, he somehow managed to salvage himself from falling from the motorcycle. He has further stated that some Police coming from behind followed the petitioners who were driving the vehicle and tried to stop them; that when stopped and questioned, the petitioners answered rudely, as a result of which, there was verbal altercation between them. Pursuant thereto, the respondent No.2 lodged the aforesaid F.I.R as against the petitioners. We are informed that till date, charge-sheet has not been filed in the said case.

8. In the interregnum, during the pendency of the investigation of the aforesaid case, the parties decided to amicably settled and put an quietus to their dispute. The respondent No.2, has graciously keeping in mind the future academic prospects of the petitioners, who are the students and pursuing their higher

qualifications, has given his no objection for quashing of the aforesaid C.R.

9. Respondent No. 2- Suraj Devram Jadhav - Police Sub Inspector, presently attached to Rabale M.I.D.C Police Station, New Mumbai, who is present in person, has tendered his affidavit dated 15th December, 2022 duly notarized before the Notary. Photocopy of the Aadhar Card of the respondent No.2 is annexed with the said affidavit. The said affidavit is taken on record. In the said affidavit, the respondent No.2, in paragraph 4, has stated that considering the academic prospects of the petitioners, who are students and pursuing their higher qualification, he is giving his no objection being the original complainant in the said C.R.

10. Considering the peculiar facts of this case, the manner in which the incident took place and the affidavit of the respondent No.2, there is no impediment in allowing the petition.

11. The petition is accordingly allowed and the F.I.R registered vide C.R. No.114 of 2022 with the Nerul Police Station, Navi

Mumbai, for the alleged offences punishable under sections 353, 279, 504 and 506 of the Indian Penal Code and Section 184 of the Motor Vehicles Act is quashed and set aside

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

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

[PRITHVIRAJ K. CHAVAN, J.] [REVATI MOHITE DERE, J.]