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

CRIMINAL WRIT PETITION NO. 2372 OF 2022

Gurudutt Janardhan Kini
Age 47 years, Occupation : Business,
Residing at : B1-43, Technocrat Co-operative
Housing Society, Twin Tower Lane,
Prabhadevi, Mumbai - 400025. ...Petitioner

Versus

1. The State of Maharashtra
Through - Kurla Police Station,
at Mumbai, Mumbai.
2. Sumit Ramchandra Baloni
Age : 26 Years, Occupation : Service,
Presently Residing at : Room No. 451,
Opposite R. C. Barrack No. 38, Chembur,
Near Sadhu Vaswani High School,
Chambur Colony, Mumbai - 400074.
Permanent Address : Mororagad
Mayan, Goan Maroda, Marora Gad,
Tehri Garhwal, Taluka - Gajja,
Uttarakhand, Pin - 249146. ...Respondents

Mr.Jitendra Gaikwad, Advocate for the Petitioner.
Ms.S.D.Shinde, APP for the Respondent-State.
Mr.Bhalchandra S. Shinde, Advocate for Respondent No.2.

**CORAM : REVATI MOHITE DERE &
S. M. MODAK, JJ.**

DATE : 27th SEPTEMBER 2022

P.C. :

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 Counsel for the respective respondents waive notice on behalf of the said respondents.

3 By this petition, the petitioner seeks quashing of the FIR/complaint, registered vide C.R. No. 274 of 2022 with the Kurla Police Station, for the alleged offences punishable under sections 279, 337 and 338 of the Indian Penal Code. Quashing is sought on the premise, that the parties have amicably settled their dispute.

4 Perused the papers. The incident is alleged to have been taken place on 16th April, 2022 at around 2.00 p.m. According to the prosecution, the petitioner was driving his vehicle bearing No. MH 01 DK 2436, when the said vehicle

dashed at the respondent no.2 – Sumit Ramchandra Baloni, who was walking on the road. Pursuant to the said incident, the respondent no.2 was admitted initially in Bhabha Hospital and thereafter, to Sion Hospital by the Police. However, subsequently at the instance of the petitioner, he was shifted to a private hospital i.e. Fauziya Hospital at Kurla for better medical care and treatment. It appears that as the respondent no.2 had sustained fracture on both his legs, the petitioner took care of the respondent no.2 and paid all his medical expenses in the said hospital. Respondent no.2 was thereafter discharged from the said hospital, however, was advised to take bed rest for sometime. The petitioner in fact, is stated to have compensated the respondent no.2, for the loss of his income during the said period.

5 Learned Counsel for the respondent no.2 does not dispute the fact, that all the medical bills were paid by the petitioner including the bills of Fauziya Hospital, Kurla – a

private hospital. He also does not dispute the fact, that the petitioner had ensured that proper medical treatment was given to him. Admittedly, it is not the case where the petitioner was under the influence of liquor. It appears to be a case, of an accident. The respondent no.2 and the petitioner have amicably settled their dispute and accordingly, have filed the aforesaid petition seeking quashing of the proceedings with the consent of the parties. The affidavit of consent of the respondent no.2 is at page 52 of the petition dated 4th July, 2022, duly affirmed before the Assistant Registrar. In the said affidavit, the respondent no.2 has stated that he has been duly compensated by the petitioner and his family members, when he was in dire need of funds, due to that unfortunate accident. He has stated that all the medical expenses were borne by the petitioner and his family and that he has no complaint as against the petitioner, inasmuch as, the accident was not wilful on the part of either of them. Accordingly, the respondent no.2 has given his “no objection” for quashing of

the aforesaid C.R. registered as against the petitioner.

6 Respondent no.2 is present in person. Learned Counsel for the respondent no.2 has tendered a self attested xerox copy of the aadhar card of the respondent no.2. The same is taken on record. Learned Counsel has also identified the respondent no.2 and the learned APP has verified the original aadhar card. On being questioned, respondent no.2 who is present, reiterates what is stated by him in his affidavit, that, he has no objection for quashing of the FIR, bearing C.R. No. 274 of 2022 registered with the Kurla Police Station, Mumbai.

7 Considering the nature of dispute and the manner in which the incident took place and the amicable settlement between the parties, no useful purpose would be served by keeping the proceedings pending.

8 The petition is accordingly allowed and the FIR bearing C.R.No.274 of 2022 registered with the Kurla Police Station,

Kurla is quashed and set aside and the proceeding arising therefrom, is also 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.

S. M. MODAK, J.

REVATI MOHITE DERE, J.