

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

WRIT PETITION NO. 5142 OF 2021

Sumit Gajendra Chhazed

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Sujit B. Shelkar for the Petitioner.

Mr. Shashi Kashyap for Respondent No. 2.

Mr. J. P. Yagnik, APP for Respondent No. 1-State.

**CORAM : PRASANNA B. VARALE AND
SURENDRA P. TAVADE, JJ.**

DATE : 16th FEBRUARY, 2022.

P.C. :

. Heard learned Counsel for the Petitioner, Respondent No. 2 and the learned APP for the Respondent-State.

2. Petitioner has approached this Court for seeking quashment of FIR No. 61 of 2019 registered with Parksite Police Station, Mumbai, for the offences punishable under Sections 279, 338 of Indian Penal Code and 22 (R) (R), 134(A)(B), 177 of the Motor Vehicle Act and for quashing Criminal Case No. 825/PS/2019 registered before the Metropolitan Magistrate 31st Court at Vikhroli, Mumbai arising out of FIR No. 61 of 2019.

3. The facts giving rise in the present petition can be summarized as follows:

Respondent No. 2 is a resident of Kanjurmarg, Mumbai and he is working at Ghatkopar. On 02nd February, 2019, at about 06:00 p.m. Respondent No. 2 was proceeding towards his residence. When he reached near Shreyas Signal, opposite IDBI bank ATM, a motor car bearing No. MH 02-BR-816 jumped the red signal and gave dash to Respondent No. 2. Respondent No. 2 was thrown on the ground and he sustained injuries, but the motor car sped away from the spot of incident. The bystanders took Respondent No. 2 to Sapna Hospital for treatment. Information of accident was given to the police. Accordingly, the police arrived at the said hospital and recorded FIR of Respondent No. 2. During the course of investigation it was revealed that ill-fated car was driven by the Petitioner. On completion of investigation charge-sheet came to be filed against the Petitioner in the Court of Metropolitan Magistrate, Vikhroli bearing Crime Case No.825/PS/2019.

4. During the pendency of the Criminal Case, Petitioner and Respondent No. 2 have settled their dispute amicably. Petitioner paid entire medical bill of Respondent No. 2. In pursuance of the settlement, Respondent No. 2 agreed for quashing the FIR filed against Petitioner. Respondent No. 2 filed affidavit-in-reply, wherein

Respondent No. 2 has given his no objection for quashing the FIR No. 61 of 2019, registered with Parksite Police Station, Mumbai and the Criminal Case No. 825/PS/2019 filed in pursuance thereof. Respondent No. 2 also agreed to withdraw Application No. 799 of 2019 pending before the Motor Accident Claims Tribunal, Mumbai.

5. Respondent No. 2 is present before the Court along with his Counsel. On specific query made to him, he reiterated that on his won will and wish he filed the affidavit-in-reply. He admitted contents of the affidavit-in-reply and gave no objection for quashing the FIR and proceedings filed against the Petitioner in pursuance thereof.

6. Considering the above referred facts, we are of the opinion that continuation of the proceedings arising out of FIR No. 61 of 2019 would be nothing but an act of futility and we are of the opinion that learned Counsel for the Petitioner has made out a case for allowing the petition.

7. In these circumstances and especially in view of the law laid down by the Apex Court in the case of **B.S.Joshi V/s. State of Haryana AIR 2003 SC 1386** we are of the view that no purpose would be served by keeping the criminal proceedings except burdening the Criminal Courts which are pending already overburdened. In that view of the matter and in the interests of Justice, the subject FIR and proceedings are required to be quashed.

8. In view of the above fact, the petition is allowed in terms of prayer clause (a), (b) and (c) and disposed of accordingly.

(SURENDRA P. TAVADE, J.)

(PRASANNA B. VARALE, J.)