

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

CRIMINAL WRIT PETITION NO. 2190 OF 2023

Aditya Sanjay Jhaveri

Aged 25 years, Occ. Medical Student,

r/at 259, Shroff Chambers,

Third floor, Bazargate Petiman St.

Fort, Mumbai 400 001.

... Petitioner

Versus

1. The State of Maharashtra & anr.

(At the instance of Gamdevi Police
Station)

2. Shashikant Gorakh Kamble

Aged 38 years, Occ: Police Constable

Room No.40, New BDD Chawl,

First floor, Degulkar Marg,

Naigaon, Mumbai – 400 014

... Respondents

Mr Tushar Halwai i/b Prabhanjay R Dave for Petitioner.

Mr K V Saste, APP for the State.

Mr Shashikant Gorakh Kamble – respondent No.2, Police
Constable, Tardeo Traffic Division, present in Court.

***CORAM: NITIN W. SAMBRE &
R. N. LADDHA, JJ.***

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Order (Per R. N. Laddha, J.) :-

Heard learned counsel for the parties.

2. Rule. The Rule is made returnable forthwith, with the consent of and at the request of the learned counsel for the parties.

3. The Petitioner has filed this Criminal Writ Petition under Articles 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, to quash FIR bearing C.R.No. 404 of 2022 dated 22 September 2022 registered with Gamdevi Police Station, Mumbai, for the offences punishable under Sections 279, 337 of the Indian Penal Code and under Section 184, 23/177 of Motor Vehicle Act, 1988 and the proceedings arising therefrom. The petitioner seeks to quash the FIR on the ground that they have amicably settled their dispute.

4. In the FIR, the complainant/Respondent No.2 claims that while regulating the traffic on Peddar road at 7.15 p.m. on the day of incident, a four wheeler vehicle driven by the Petitioner, rear-ended taxi. The impact caused the taxi to move forward and hit him from behind.

5. Respondent No.2 – Complainant who is a Police Constable with Tardeo Traffic Division and identified by the learned APP, is present before the Court and states that he has no objection to quash the impugned FIR against the Petitioner. Having regard to the peculiar facts and circumstances of the case, without entering into a detailed analysis and considering the fact that respondent No.2 has extended his consent to quash the FIR to save the future prospects of the petitioner who is a medical student, no purpose would be served by keeping the prosecution alive.

6. Accordingly, the impugned FIR No.404/2022 and the proceedings arising therefrom are quashed and set aside.

7. Rule is made absolute in the above terms. Criminal Writ Petition stands disposed of.

R. N. LADDHA, J.

NITIN W. SAMBRE, J.

Lata.S.Panjwani, P.S.