

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.2112 OF 2023**

Mr. Mohammad Kasim Faruq Mulla
Age 28 years, occ. Service,
Residing at R.M. House, behind Post Office,
Papdi, Vasai (West)

... Petitioner

V/s.

1.The State of Maharashtra
(Through Manikpur Police Station
bearing C.R. No.251 of 2021)
2. Kaniya Munna Rajbhar
Age 28 years, occ. Business
residing at Room No.121, Jay Chamunda
Vishal Nagar Vasai (West), Palghar

... Respondents

Mr. Aditya Sharma for the Petitioner.
Mr. Y.M. Nakhwa, APP for Respondent No.1-State.
Mr. Shivamsinh Deshmukh for Respondent No.2.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 20th DECEMBER, 2023

P.C. :

1) By the present Petition under Article 226 of the Constitution of India, Petitioner, accused in C.C. No.2137/SCC/2021, pending on the file of the 2nd Joint Civil Judge Junior Division and Judicial Magistrate First Class , Vasai, arising out of C.R. No.251 of 2021 registered with Manikpur Police Station, District Palghar under Sections 279, 337, 338 of the Indian Penal Code, 1960 and under Sections 3/181 of Motor Vehicles Act, 2019, has prayed for quashing of the said case with the consent of Respondent No.2,

the informant.

2) Learned Advocate for the Petitioner submitted that, the Petitioner and Respondent No.2 have amicably settled the issues involved in the present case and Respondent No.2 has given his consent for quashing of the said crime. He submitted that, Respondent No.2 has filed his Affidavit dated 8th July, 2023, duly affirmed before a Notary Public. He therefore prayed that, the said case may be quashed with the consent of Respondent No.2.

3) Learned Advocate for Respondent No.2 reiterated the fact of filing of the Affidavit dated 8th July, 2023 by Respondent No.2. In para-3 thereof, Respondent No.2 has given his consent for quashing of the present crime.

3.1) Respondent No.2 is personally present in the Court and through his Advocate reiterated the contents of his Affidavit dated 8th July, 2023 and his 'no objection' for quashing the said crime.

4) Perusal of the First Information Report and other documents indicates that, the Petitioner was riding a motorcycle and near the Panchvati Junction, he all of a sudden drove his vehicle from the gap of the divider. The brother of Respondent No.2 was proceeding on motorcycle towards Vasai East and as the Petitioner all of a sudden came in front of his motorcycle, their vehicles colluded thereby causing fall of brother of Respondent No.2 and therefore he suffered injuries.

5) In view of the fact that, the Petitioner and Respondent No.2 have decided to settle their disputes amicably, we are inclined to quash C.C. No.2137/SCC/2021, pending on the file of the 2nd Joint Civil Judge Junior Division and Judicial Magistrate First Class, Vasai.

6) As we expressed our opinion for quashing of said C.C. No.2137/SCC/2021, learned Advocate Mr. Sharma, appearing for Petitioner on instructions submitted that, the Petitioner will pay a cost of Rs.10,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of the present Order on the Official Website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

7) We direct the Petitioner to pay a cost of Rs.10,000/- to the Advocates' Association of Western India Generation Next Fund, Mumbai, within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court.

7.1) Details of the bank account for payment of cost are as under :-

Account Name :- Advocates Association of Western
India Generation Next.

Account Number :- 000110110007807.

Bank Name :- Bank of India.

Branch Name :- Mumbai Main.

IFSC Code :- BKID0000001.

7.2) Petitioner to deposit the said cost of Rs.10,000/- within a stipulated period as noted above and submit receipt of the same in the Registry of this Court.

8) In view of the above and subject to payment of cost, Petition is allowed in terms of prayer clause (b).

9) It is made clear that, if the cost is not paid within stipulated period as mentioned above, Petition shall stand revived automatically and in that event, the trial Court will proceed with the said case expeditiously.

10) List the Petition on board on 16th January, 2024, under caption 'for reporting compliance' of present Order.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

RAJESH
VASANT
CHITTEWAN

Digitally signed
by RAJESH
VASANT
CHITTEWAN
Date:
2023.12.26
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