

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application (APL) No.822/2023

Shubhankar V State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. S.M. Bhangde, Advocate for applicant.

Mr. V.A. Thakare, APP for resp. no.1.

Mr. N. Gaikwad, Advocate for non-applicant nos.2 and 3.

CORAM : Vinay Joshi & Valmiki Sa Menezes, JJ.

DATE : 07-07-2023

Heard finally by consent of learned Counsels
for the parties.

2. **Admit.**

3. This is an application seeking to quash the FIR in Crime No.0163/2022 Police Station Sitabuldi, District Nagpur City for the offences punishable under Sections 279, 337 of the Indian Penal Code and Section 134 of the Motor Vehicles Act, 1988 along with related criminal case bearing SCC No.17711/2022 on the file of JMFC, Nagpur on account of settlement.

4. It is the prosecution case that on the date of incident the informant along with his wife were proceeding by riding on two wheeler. While the

informant's two wheeler was stationary near traffic signal, offending Skoda Car bearing registration No. MH 31 EK 6612 came from behind in a high speed, gave dash to a Nano Car bearing Registration No. MH 37 G 1490, which resultantly collided on the Moped causing severe injuries to the wife of the informant who was pillion rider. On account of said occurrence, the Police have registered the offence, carried investigation and filed charge-sheet.

5. The informant's wife was admitted in the hospital whose entire medical expenses have been borne by the accused i.e. the owner of Skoda Car. In view of that there was a settlement between the applicant with the informant and his wife. To that effect, the informant and his wife have filed the reply stating about settlement and their no objection to quash the FIR and charge-sheet. So far as the another vehicle involved in the accident namely Nano Car, the Police investigated and found that the driver of Nano Car is untraceable. During investigation it was revealed that registered owner of Nano Car was one Geeta Rathi, whose statement was recorded. It appears from her statement, that she had obtained finance from Tata Finance Company to purchase the Nano Car. However, as registered owner Geeta Rathi has not paid the

installments, car was taken away by finance company and thus owner says that she has no concern with the Car after the year 2014. The Investigating Officer tried to trace the driver of Nano Car, but he could not.

6. Moreover, the Investigating Officer submitted that till date no one from the side of Nano car came to the Police Station to put his grievance about the dash given by Skoda Car. In view of above peculiar facts it reveals that there is no statement besides informant and his wife stating that anybody else has sustained injury or damage. The informant and his wife have already settled the matter. Having regard to the nature of occurrence, which is a road accident, in view of compromise, we find no difficulty in quashing the prosecution. Since the matter is settled, there is no purpose in continuing the prosecution as the chances of conviction are remote and the offence cannot be held to be of antisocial nature.

7. In view of that, the application is allowed. We, therefore, quash and set aside the FIR in Crime No.0163/2022 Police Station Sitabuldi, District Nagpur City for the offences punishable under Sections 279, 337 of the Indian Penal Code and Section 134 of the Motor Vehicles Act, 1988 along with related criminal case bearing SCC No.17711/2022 pending on the file of

JMFC, Nagpur.

8. Application stands disposed.

JUDGE

JUDGE

Deshmukh