

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1908 OF 2022**

1. Zoraver Deepender Rana,
Age: about 27 years, Occ: Service,
Indian Inhabitant, Permanent resident of:
574-Narot, Mehara,
Pathankot, Punjab-145 025Petitioner

Vs.

1. State of Maharashtra,
(At the instance of
Police Station Kudal, Sindhudurg,
FIR No.178 of 2019)
2. Makarand Krishna Birari,
Age: about 42 years, Occ: Tour and travels,
Indian Inhabitant, Permanent resident of:
A-04, Sudama Sankalp Society
Near Abhinav School,
Dombivali, East, Mumbai-421201Respondents

Mr. Kartikey Bahadur, for the Petitioner.
Mr. Sukanta Karmakar, APP for Respondent No.1-State.
Mr. Gaurav Bhawnani, for Respondent No.2.
HC/370 Mr. Mangesh Jadhav, Kudal Police Station.

CORAM: A. S. GADKARI AND
DR NEELA GOKHALE, JJ.
DATE : 5th August, 2024.

JUDGMENT : (Per Dr. Neela Gokhale, J.)

- 1) Petitioner seeks to quash and set aside F.I.R. No. 178 of 2019 dated 25th August 2019 registered with Kudal Police Station, Sindhudurg for offences punishable under Sections 279, 337 of the Indian Penal Code, 1860 ("IPC") alongwith section 132 and 184 of the Motor Vehicles Act, 1988 and

the subsequent charge sheet bearing RCC No. 248 of 2020 pending on the file of the Judicial Magistrate First Class, Kudal, Sindhudurg arising therefrom.

2) The facts of the case are that, the Petitioner hired a car being TATA Indigo having registration No. MH-04-GD-6598 from its owner, the Respondent No.2, engaged in the business of tours and travels. On the date of incident, the driver namely one Gajanan A. Joshi was sleepy and hence, the Petitioner offered to drive himself. Mr. Joshi sat on seat next to the driver. They were travelling on the Mumbai-Goa highway. It is the case of the informant that, because of carelessness, the car hit a container coming from the opposite direction. The car was damaged and the Petitioner himself was bruised. He drove away without giving information of the incident to the Police. Hence, the present FIR came to be registered.

4) Mr. Kartikey Bahadur, learned Advocate appears for the Petitioner and Mr. Gaurav Bhawnani appears for the Respondent No.2. Mr. Sukanta Karmakar, learned APP represents the State.

5) The Advocates of the Petitioner and the Respondent No.2 state that the parties have resolved the dispute amicably and have settled the matter among themselves. Both the parties pray that the FIR be quashed in the interest of justice pursuant to the settlement between the parties.

6) The Respondent No. 2 has also given his consent to quash the

FIR impugned herein vide affidavit dated 11th April 2022. Mr. Gaurav Bhawnani learned counsel appearing for Respondent No. 2 on instructions states that the Respondent No.2 has no objection to quash the FIR.

7) In view thereof, we are inclined to quash C.C.No. 248 Of 2020 pending on the file of the Judicial Magistrate First Class, Kudal, Sindhudurg arising out of C.R.No. 178 of 2019 registered with Kudal Police Station, Sindhudurg.

8) As we expressed our opinion for quashing of the said Criminal Proceedings bearing C.C.No. 248 of 2020 pending on the file of the Judicial Magistrate First Class, Kudal, Sindhudurg, learned Advocate for the Petitioner, on instructions submitted that, the Petitioner will pay a cost of Rs.10,000/- to the Kirtikar Law Library, High Court, Mumbai within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court. The said statement is accepted as an undertaking given to this Court.

9) We therefore, direct Petitioner to pay a cost of Rs.10,000/- to the Kirtikar Law Library, High Court, Mumbai within a period of two weeks from the date of uploading of present Order on the official website of Bombay High Court. Petitioner to deposit the said cost within stipulated period as noted above and submit receipt of the same in the Registry of this Court.

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

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

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

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signed by
SHAMBHAVI
NILESH
SHIVGAN
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