

*Esha***IN THE HIGH COURT OF BOMBAY AT GOA****CRIMINAL WRIT PETITION NO. 48 OF 2025**

Shri. Aagam Jain, Son of Deepak Jain
Aged 27 years, Indian National,
unmarried, R/o Flat No. B-503, Brigade
Gardenia Building RBI layout, J. P.
Nagar 7th Phase, Bangaluru Karnataka. ... PETITIONER

Versus

1. State of Goa, Through the Public
Prosecutor, High Court, Porvorim,
Goa.
2. Police Inspector, Through
Incharge of Cuncolim Police
Station, Cuncolim, South Goa,
Goa.
3. Shri. Gajanan Kumtekar, Aged 62
years, Indian National, Son of
Rama Kumtekar, R/o H. No.
140/1, Canaguinim, Quepem, Goa. ... RESPONDENTS

Mr. R.J. Pinto, Advocate for the Petitioner.

Mr. S.G. Bhobe, Public Prosecutor for Respondent Nos. 1 and 2.

Mr. Ryan Menezes with Mr. Nigel Fernandes, Advocates for
Respondent No. 3.

**CORAM: BHARATI DANGRE &
ASHISH S. CHAVAN, JJ.**

DATED: 22nd SEPTEMBER 2025

P.C:

1. During the pendency of the Petition, since chargesheet is
filed, the learned Counsel for the Petitioner seek liberty to amend
the Petition to raise a challenge to the chargesheet as well as the

subsequent proceedings being IPC/32/2025 that are pending before the JMFC, Quepem, Goa.

Permission granted. Necessary amendment to be carried out forthwith.

2. On 03.05.2025, an FIR was registered upon the complaint filed by the Head Constable, Cuncolim Police Station, in relation to an incident which took place near ONGC Betul, Quepem, Goa, when a car took a turn towards extreme right and allegedly without an indicator and that gave a dash to the rear side of Activa scooter which was proceeding in the same direction, thereby causing injury to the person riding the vehicle by name Gajanand son of Rama Kumtekar, aged 62 years who fell on the roadside along with his vehicle and sustained injuries and subsequently, received treatment in GMC Bambolim.

The aforesaid incident was booked under Sections 281 and 125 (a) of the BNS, 2023 along with Section 3 of the Motor Vehicles Act.

On completion of investigation, chargesheet is filed in the Court of the JMFC, Quepem.

3. The present Petition is filed praying for quashing and setting aside the FIR/Crime No. 27/2025 along with the proceedings pending before the JMFC, Quepem.

4. Today, when the Petition is listed before us, the son of the Victim presented an affidavit affirmed by the Victim on 15.09.2025, which is taken on record. The said affidavit categorically state thus:-

“I, the undersigned, Mr. Gajanand Rama Kumtekar, son of Shri. Rama Kumtekar. Age: 65 years, resident of H.No. 140/1, Alarimal Canaguinim, Naquerim, Cuncolim South Goa, Goa 403703, do hereby State on solemn affirmation as under:-

1. It is alleged that on 02/04/2025, at around 14.33 hrs, when I was proceeding from Betul towards Canaguinim direction, at that time one Mr. Aagam Jain, s/o. Mr. Dipak Jain, dashed me from backside with his Maruti Baleno car bearing no. GA 10- T-2154 and as a result I fell down and sustained bodily injuries.

2. I say that Mr. Aagam Jain, has agreed to pay me an amount of Rs.2,50,000/-(Rupees Two Lakhs Fifty thousand only) as medical expenses and out of the said total amount, Mr. Aagam Jain has paid me an amount of Rs.60,000/- (Rupees Sixty thousand only) on 03/08/2025 vide Google pay and he has agreed to pay me balance amount of Rs. 1,90,000/- (Rupees One Lakh Ninety thousand only) i.e on 15/09/2025.

3. I say that since he has agreed to pay me my medical expenses, I have agreed to settle/compromise the said case with the said person.

4. *I say that the above accident narrated by me is purely an accident and I do not blame any person for the said accident and therefore I do not want to proceed with the accident case in any manner whatsoever nor I will file any claim petition for compensation in respect of the said accident.*

5. *I say that I am swearing this affidavit in order to produce the same before concerned authorities in order to close if any proceedings are initiated in respect of the above accident, since I am not interested in the same as I have settled/compromised with the second party.*

6. *I say that what is stated by me in the above paras are true to my own knowledge and no part of it is false.*

Solemnly affirm at Cuncolim on this 15th day of September 2025.”

The learned Counsel appearing for the Complainant also made a statement that the balance amount is received by the Victim through Bank transactions and as such, the Victim is paid a total amount of Rs.2,50,000/- for his treatment.

5. Since the affidavit categorically state that the Victim has no objection to quash these proceedings in the wake of the settlement/compromise, we are inclined to quash the FIR along with the charge sheet filed pursuant to its registration and also the criminal proceedings pending against the Petitioner, in the wake

of no objection accorded by the Victim himself. We find that the Victim has been adequately compensated and since, he has accorded his no objection, with no public element involved, we are inclined to quash the FIR along with the chargesheet and the proceedings being IPC/32/2025 against the Petitioner pending before the JMFC, Quepem.

However, while quashing the FIR, we direct a sum of Rs.25,000 to be paid by the Petitioner to the Victim over and above what has already been paid by way of compensation. We direct that the said amount shall be paid to the Victim himself and an acknowledgment under the signature of the Victim shall be tendered on record of this Court.

The Criminal Writ Petition is allowed in the aforesaid terms.

ASHISH S. CHAVAN, J.

BHARATI DANGRE, J.