

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

CRIMINAL WRIT PETITION NO. 4309 OF 2024

Shubham Kumar Mehra

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Prashant Parsurampururia a/w. Kejeshri Thakar a/w. Aalam
Parsurampururia for Petitioner.

Mr. J. P. Yagnik, APP for State/Respondent.

Mr. K. M. Singh for the Respondent No.2.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.**

DATE : 13 MARCH 2025

PC :

1. This is a petition for quashing of the F.I.R. registered vide C.R.No.512 of 2023 at Dadar police station, on 03.12.2023, under sections 279 and 338 of the I.P.C., under sections 134(A), 134(B) and 184 of the Motor Vehicle Act, and the consequent proceedings arising out of the same F.I.R.

2. Heard Mr. Prashant Parsurampururia, learned counsel for the Petitioner, Mr. Yagnik, learned APP for the State and Mr. K.M.Singh, learned counsel for the Respondent No.2.

3. The F.I.R. is lodged by the Respondent No.2. He was a police constable. He was riding his two wheeler at about 4:30a.m. on 02.12.2023. His cousin was the pillion rider. When they reached at Kirti college junction and while they were crossing the signal, a car coming from the opposite side struck their two wheeler. Both of them fell down. The informant's cousin did not suffer any noticeable injuries, but the informant suffered fracture of his leg. The car did not stop and went ahead. On these allegations the F.I.R. was lodged. The investigation was carried out.

4. According to the investigation it was revealed that the car was driven by the petitioner herein. A copy of the charge-sheet is produced by the learned APP for perusal of the Court. It contains injury certificate of the informant showing that the informant had sustained fracture of right tibia and fibula and, therefore, the injury was described as a grievous injury. However, the matter is settled between the parties now.

5. The Respondent No.2 has filed his Affidavit-in-reply. He

has stated in his affidavit that he is recovered physically and has resumed his work. The Petitioner, his family and friends have apologized to him and have explained their family situation to him. The Petitioner is a young man of 30 years of age and has a single mother. There is nobody to support his family. It is mentioned that the petitioner did not cause injuries intentionally nor he had any other malafide intention. It was an unfortunate accident. The Respondent No.2 has further stated that if the prosecution continues, it would affect the petitioner's career, his health and his future. His family will unnecessarily suffer. He is the sole bread earner in his family and has to take care of his single mother. Because of this background, the Respondent No.2 has no objection for quashing of the F.I.R. In paragraph-4 the Respondent No.2 has given his specific no objection for quashing of these proceedings. The Respondent No.2 is present in the Court. He is identified by his learned counsel. He reiterated the averments made in the Affidavit in reply. He stated before the Court that he has no objection for quashing of the proceedings.

6. We have considered this situation. The stand taken by

the Respondent No.2 is commendable. He has shown sympathy towards a fellow citizen. He understood that it was an unfortunate accident. He has given his specific no objection for quashing of the proceedings. He further stated that, he is fully recovered and the injury was not life threatening.

7. As rightly stated by the Respondent No.2, the Petitioner is taking care of his single mother and it was an unfortunate accident. Taking into account the submissions and respecting sentiments expressed by the Respondent No.2, we are inclined to allow this petition.

8. Hence, the following order:

ORDER

- i) The F.I.R. registered vide C.R.No.512 of 2023 at Dadar police station, on 03.12.2023, under sections 279 and 338 of the I.P.C., under sections 134(A), 134(B) and 184 of the Motor Vehicle Act, and the consequent proceedings arising out of the same F.I.R., are quashed and set aside.
- ii) The Writ Petition is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)