

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

CRIMINAL WRIT PETITION NO.4522 OF 2024

Luv Rohit Bhatt	...Petitioner
Vs	
The State Of Maharashtra And Ors	...Respondents

Adv. Yogesh Joshi i/b. YRJ Legal, Advocate for the Petitioner.

Mr. A. A. Palkar, APP for the State.

Adv. Harshad Joshi, Advocate for Respondent Nos. 3, 4, 5, 6 & 7.

**CORAM : RAVINDRA V. GHUGE &
RAJESH S. PATIL, JJ.**

DATE : 17th JANUARY, 2025

P.C. :-

1. All the parties are before us. A chart, duly signed both the learned Advocates, is placed before the Court. The Accused and the Complainant are also present in the Court and have been identified by their respective Advocates. The said chart is marked as **'X-1'** (1 page) for identification.

2. We have perused the voluminous 17 pages Memorandum of Understanding, dated 28th September, 2024. The parties agree that the said M o U suffers from 'copy-paste

syndrome’. Both the parties jointly agree to disregard the said Memorandum of Understanding and the same shall not be relied upon or cited in any proceedings or for any purpose. In view of the said statement, the Memorandum of Understanding from page No. 31 to 49 of the Petition paper-book stands deleted.

3. The Complainant has tendered four affidavits. The first Affidavit (photostat copy) is by Baliram Shantaram Gondake, dated 28th September, 2024, which is at page Nos.50 to 54 as **‘Exhibit-D’**. The second affidavit sworn by Bhima Kundlik Dhupekar, dated 6th December, 2024 is tendered across the bar. The original (pages 5) is marked as **‘X-2’** for identification. The third original affidavit (7 pages) has been tendered by Mrs. Vimal Prakash Binnar, dated 17th January, 2025, which is marked as **‘X-3’** for identification. The fourth original affidavit (6 pages) is filed by Ms. Priyanka Prakash Binnar, dated 17th January, 2025, which is marked as **‘X-4’** for identification. The last original affidavit (pages 4) is filed by Santu Barku Bhagat, dated 2nd December, 2024, which is marked as **‘X-5’** for identification.

4. The parties have unequivocally agreed that the amounts being paid to them in the light of the chart **‘X-1’** and the Affidavits

Exhibit-D and ‘X-2’ to ‘X-5’, are payments received towards the treatment of injuries suffered by this persons in the vehicular accident with reference to which the F.I.R. No.0120/2024, is registered on 27th August, 2024, with the Kasara Police Station, Thane (Rural). This compensation is purely an arrangement between the Accused and the injured persons on their personal level and is unconnected with the MACT claim filed by the injured person under the provisions of the Motor Vehicles Act before the concerned Motor Accident Claims Tribunal at Kalyan. The parties unequivocally agree that barring the amount for medical treatment, the learned MACT would be at liberty to deal with the claims of the injured persons and grant compensation in accordance with the law. The consent request in this Petition is solely for the purpose of quashing the F.I.R. by consent.

5. It is also unequivocally agreed that in the proceedings before the MACT, the F.I.R., and Medical Injury Certificates would be considered as valid documents for the purposes of arriving at the quantum of compensation to be paid to the claimants in accordance with the provisions of the Motor Vehicles Act. The learned Advocate for the Accused reiterates that the accident vehicle was covered by a

valid insurance and that the driver of the vehicle possessed a valid driving license. All contentions of the parties are kept open before the MACT.

6. A ready reference chart (page 1) indicating the details of the two Demand Drafts handed over to the learned Advocate representing the Complainants, is duly signed by the learned Advocates and tendered to the Court. The same is marked as 'X-6' for identification.

7. In view of the above, **this Writ Petition is allowed** and F.I.R. No. 0120, dated 27th August, 2024, registered with the Kasara Police Station, stands quashed in the light of the consenting terms as recorded in this order. The said F.I.R., as noted above, would be referable for the purposes of MACT claim. Consequently, the charge-sheet dated 18th December, 2024 would not survive and, therefore, RCC No.887 of 2024, pending before the learned JMFC at Shahapur, stands disposed off. The learned Trial Court would pass a formal order of disposing off this proceedings.

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)