

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

CRIMINAL WRIT PETITION NO. 1206 OF 2025

Ibrahim Ilyas Chaudhary

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Prashant Parsurampuriah a/w. Kejeshri Thakar for Petitioner.

Mr. S. R. Agarkar, APP for State/Respondent.

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

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

DATE : 20 MARCH 2025

PC :

1. This is a petition for quashing of the Police case bearing No.PS/0800210/2021 on the file of 9th J.M.F.C., 64th Court, Esplanade Court, Mumbai, under sections 338, 337 and 279 of the I.P.C. and under sections 134(a) and 134(b) of the Motor Vehicles Act, 1988. The proceedings are arising out of the C.R.No.314 of 2021, registered at Marine Drive police station, Mumbai, on 31.07.2021.

2. Heard Mr. Prashant Parsurampuriah, learned counsel for

the Petitioner, Mr. Agarkar, learned APP for the State and Mr. Sinah, learned counsel for the Respondent No.2.

3. The F.I.R. is lodged by the Respondent No.2. He has stated that on 31.07.2021, he started going home at about 4:45p.m. His co-worker Omkar offered him to give a lift on his two wheeler. The informant was riding as pillion rider on Aactiva two wheeler and going towards North direction. At about 5:00p.m., the Petitioner came from the opposite side and took U turn where U turn was not permitted and caused this accident. The Respondent No.2 and Omkar, rider of the vehicle, fell down on the road. Within a short time police van came to the spot and took the Respondent No.2 to J.J. Hospital. The Respondent No.2 had suffered fracture below his right knee. On these allegations the F.I.R. was lodged. The investigation was carried out and the charge-sheet was filed. The charge-sheet contains statements of Omkar, Beat Marshal Girish Tandel and spot panchanama. The charge-sheet also contains the medical certificate in respect of the injuries suffered by the Respondent No.2. There was fracture on the right tibia fibula. A copy of the charge-sheet is produced by the

learned counsel for the Petitioner. It is taken on record and marked 'X' collectively for identification.

4. The matter is now settled between the parties. The Respondent No.2 has filed his Affidavit giving his consent for quashing of these proceedings. He has stated in his affidavit that, he is fully recovered and he has resumed the work. The Petitioner was aged 22 years at the time of accident. The petitioner is still unemployed. There is nobody to support his family. The Respondent No.2 accepted that it was an accident. There was no intention on the part of the petitioner to cause any injury to the Respondent No.2. Considering his future, career, health and his family, the Respondent No.2 was giving consent for quashing of these proceedings.

5. The Respondent No.2 is present in the Court. He is identified by his learned counsel. He reiterated the contents of the Affidavit. He stated before the Court that, he has no objection for quashing of the proceedings; in these circumstances.

6. We have considered these submissions. The sentiments

expressed by the informant in his Affidavit-in-reply are commendable. We respect these sentiments. The Respondent No.2 does not wish to prosecute this matter any further. He is fully recovered from his injuries. The injury was not life threatening. The informant also accepted that it was an accident. In this view of the matter, we are inclined to allow this petition.

7. Hence, the following order:

ORDER

- i) The Police case bearing No.PS/0800210/2021 on the file of 9th J.M.F.C., 64th Court, Esplanade Court, Mumbai, under sections 338, 337 and 279 of the I.P.C. and under sections 134(a) and 134(b) of the Motor Vehicles Act, 1988, arising out of the C.R.No.314 of 2021, registered at Marine Drive police station, Mumbai, on 31.07.2021, is quashed and set aside.
- ii) The Writ Petition is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)