

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

CRIMINAL WRIT PETITION NO.1489 OF 2025

Om Rajendra Kute

.....Petitioner

Versus

The State of Maharashtra
and another

.....Respondents

Mr. Jinendra Bora, Advocate for the Petitioner.

Mr. J.P. Yagnik, APP for the Respondent No.1-State.

Mr. Pravin Kakade, Advocate for the Respondent No.2.

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

DATE : 30th APRIL, 2025

P.C. :

1. This is a Petition for quashing of the FIR being C.R. No.47/2020 registered at Marine Drive Police Station, Mumbai on 19.3.2020 under Sections 279 and 338 of the Indian Penal Code as well as the consequent criminal prosecution being case No.PS/801096/2022 pending before the Additional CJM, 8th Court, Esplanade, Mumbai.

2. Heard Mr. Jinendra Bora, learned counsel for the Petitioner, Mr. J.P. Yagnik, learned APP for the Respondent No.1-State and Mr. Pravin Kakade, learned counsel for the Respondent

No.2.

3. The FIR is lodged by the Respondent No.2 herein. She has stated that she along with her friend Ashutosh and Soumya had gone to Marine Drive in the morning. They were crossing the road near Air India Junction at around 11.45 a.m.. Suddenly, one car bearing No.MH47AN6556 struck the informant and her friend Soumya. The registration number of the car was told to the first informant subsequently by her friends. Because of the incident, the informant Priti and her friend Soumya fell down. According to the informant, she lost her consciousness but when she regained her consciousness she came to know that she was admitted to Bombay Hospital by the driver of the car himself. According to the prosecution, the present Petitioner was driving the car. The informant had suffered injuries. Similarly her friend Soumya had suffered injuries. The investigation was carried out and the charge-sheet was filed. The informant's case was supported by the witnesses Ashutosh and Soumya who were walking with the informant at the time of the accident.

4. Now the parties have settled the matter and the

informant as well as her friend Soumya have filed separate affidavits giving consent for quashing of the proceedings.

5. The injury certificate of the informant Priti shows that she had suffered fracture of right humenus. Soumya had also suffered fracture at the right shoulder. Both of them are present before the Court. They informed the Court that there is no permanent damage and they can move their right hands freely. Their shoulders are not giving them trouble at all. They have filed their consent affidavit in which they have stated that the medical expenses were incurred by the Petitioner himself. The matter is amicably settled. The Petitioner has expressed his remorse and has assured that he would be careful in future.

6. Both the injured i.e. Priti and Soumya are present before the Court. They are identified by their learned counsel. They informed the Court that they have no trouble in their respective right shoulders any more. They have no disability at all because of the injury. They submitted that the proceedings be quashed.

7. We have considered these affidavits and the statements made by both the injured before the Court. The Petitioner is a young

man who recently has completed his studies. He is only 23 year of age. The damage was not serious. The victims have recovered from their injuries. To his credit, the Petitioner himself had taken them to the hospital and had incurred the expenses for the medical bills on his own.

8. Considering all these factors, we are inclined to allow this Petition.

9. Hence, the following order:

:: O R D E R ::

- i. The FIR being C.R. No.47/2020 registered at Marine Drive Police Station, Mumbai as well as the consequent criminal prosecution arising therefrom being case No.PS/801096/2022 pending before the Additional CJM, 8th Court, Esplanade, Mumbai are quashed and set aside.
- ii. The Petition is disposed of accordingly.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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by
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PRAKASHRAO
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