

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

CRIMINAL WRIT PETITION NO.2268 OF 2025

Abhishek Brij Bhushan Sharma Petitioner
versus
The State of Maharashtra & Ors. Respondents
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- Ms. Anandini Fernandes, Advocate for Petitioner.
- Smt. M. M. Deshmukh, APP for the State/Respondent.
- Ms. Akshada Pasi, Advocate for Respondent Nos.2 and 3.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.
DATE : 28th APRIL, 2025**

P.C. :

1. The present Petition is filed for quashing of the proceedings vide case No.3457/PS/2023 pending before the learned Judicial Magistrate First Class, 62nd Court, Bhoiwada, arising out of the C.R.No.40/2023 registered at Worli Police Station on 13/01/2023 for the offence punishable u/s 279, 337 and 338 of the Indian Penal Code and u/s 184 and 134(A) and (B) of the Motor Vehicles Act, 1988.

2. Heard Ms. Anandini Fernandes, learned Counsel for the Petitioner, Ms. Akshada Pasi, learned counsel for the Respondent Nos.2 & 3, and Smt. M. M. Deshmukh, learned APP for the State.

3. The FIR is lodged by the Respondent No.2. He has stated that on 08/01/2023, he and the Respondent No.2, i.e. his wife were returning back from Walkeshwar. When they reached Worli junction at around 02.25 p.m. suddenly a car without giving signal changed the lane in speed striking the informant's two wheeler. As a result, the Respondent Nos.2 and 3, who were riding that two wheeler, fell down causing injuries to them. The driver of that car did not stop and went away. The Respondent No.2 noted the number of the car as MH-02-MN-2214. According to the prosecution, the present Petitioner was the driver of the car. On this basis, the FIR was lodged on 13/01/2023. The explanation given by the Respondent No.2 was that he was suffering from high blood pressure and sugar and therefore he could not immediately go to the police station to lodge the FIR, though he himself was a police constable in the police department.

4. The investigation was carried out and the charge-sheet was filed. The charge-sheet contains the statements of Respondent Nos.2 and 3, who were the injured in this case.

There are no eyewitness. There are medical certificates showing injuries suffered by both the these Respondents. The Respondent No.2 Rajesh had pain and swelling on left knee joint and there was pain on the right chest. There was no external injury. The injuries were in the nature of blunt trauma. There was no fracture caused to him. As far as Respondent No.3 is concerned, she had crack fracture of two toes of the left foot. Besides these injuries, there were no other injuries.

5. It appears that except for the fracture of two toes caused to Megha, there was no serious injuries caused to either of the Respondents. The parties have now settled the matter. The Respondent Nos.2 and 3 have filed their affidavit giving their no objection for quashing of these proceedings. They have stated in their joint affidavit that the occurrence was an accident and was not caused due to any criminal act on the part of the Petitioner. It is further mentioned that they have arrived at the settlement and they have no grievance against the Petitioner. Both of them have given their specific no objection and consent for quashing of these proceedings.

6. Both these Respondents, Rajesh and Megha, are present before the Court. They are identified by their learned counsel. They have reiterated the contents of the affidavit. Both of them were giving the consent willingly for quashing of the proceedings.
7. Considering this background, we are inclined to allow this Petition.
8. Hence, the following order :

ORDER

- (i) The proceedings vide case No.3457/PS/2023 pending before the learned Judicial Magistrate First Class, 62nd Court, Bhoiwada, arising out of the C.R.No.40/2023 registered at Worli Police Station, are quashed and set aside.
- (ii) The Petition is disposed of.

(S. M. MODAK J.)

(SARANG V. KOTWAL, J.)